



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
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Senate File 220

H-8002

- 1 Amend Senate File 220, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 1, by striking <2013> and inserting  
4 <2014>  
5 2. Page 1, line 22, by striking <2013> and  
6 inserting <2014>

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COMMITTEE ON EDUCATION  
JORGENSEN of Woodbury, Chairperson



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Senate File 339

H-8003

1 Amend Senate File 339, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 285.8, subsection 4, Code 2014,  
6 is amended to read as follows:

7 4. *a.* Inspect or cause to be inspected all  
8 vehicles used as school buses to transport school  
9 children and all vehicles otherwise used to transport  
10 children to determine if such vehicles meet all legal  
11 and established standards of construction and can be  
12 operated with safety, comfort, and economy. When it  
13 is determined that further use of such vehicles is  
14 dangerous to the ~~pupils~~ children transported ~~and~~ or to  
15 the safety and welfare of the traveling public, the  
16 department of education shall order such vehicle to be  
17 withdrawn from further use ~~on a specified date.~~ ~~School~~  
18 ~~Vehicles used as school buses and vehicles otherwise~~  
19 ~~used to transport children~~ which do not conform to the  
20 requirements of the department of education may be  
21 issued a temporary certificate of operation provided  
22 that such ~~school buses vehicles~~ can be operated with  
23 safety, and provided further that ~~no~~ such certificate  
24 shall not be issued for a period in excess of ~~one year~~  
25 ~~thirty days.~~ All equipment can be required to be  
26 altered, or safety equipment added, in order to make  
27 vehicles reasonably safe for operation. A vehicle  
28 which does not pass an inspection shall be subject to a  
29 subsequent inspection by the department of education  
30 in accordance with section 321.374, subsection 2.  
31 New buses and vehicles otherwise used to transport  
32 children, after initial inspection and approval, shall  
33 be issued a seal of inspection. After ~~each~~ a vehicle  
34 passes its annual inspection a seal of inspection  
35 and approval shall be issued. ~~Said~~ The seals shall  
36 be mounted on the lower right hand corner of the  
37 windshield.

38 *b.* The state board of education shall adopt rules  
39 for required, uniform inspections of vehicles otherwise  
40 used to transport children. Such rules shall allow  
41 for inspections to be conducted by qualified private  
42 automobile mechanics or the department of education.  
43 Such rules shall provide that subsequent inspections  
44 shall be conducted only by the department of education.

45 *c.* For purposes of this subsection, *"vehicle*  
46 *otherwise used to transport children"* means the same as  
47 defined in section 321.1, subsection 91A.

48 Sec. 2. Section 285.8, subsection 9, Code 2014, is  
49 amended to read as follows:

50 9. Establish a fee for conducting ~~school bus~~

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1 vehicle inspections and subsequent inspections in  
2 accordance with subsection 4 and issuing school bus  
3 driver authorizations in accordance with section  
4 321.376, which shall not exceed the budgeted cost  
5 for conducting inspections and administering  
6 authorizations.  
7 Sec. 3. Section 321.1, Code 2014, is amended by  
8 adding the following new subsection:  
9 NEW SUBSECTION. 91A. "*Vehicle otherwise used*  
10 *to transport children*" means every vehicle operated  
11 for the transportation of children, except for the  
12 following:  
13 a. School buses.  
14 b. Vehicles used to transport ten or fewer children  
15 in case of an emergency.  
16 c. Vehicles used exclusively to transport children  
17 in the immediate family of the driver.  
18 d. Vehicles used to provide transportation service  
19 available to the general public, whether or not for  
20 compensation.  
21 e. Authorized emergency vehicles.  
22 f. Privately owned vehicles used to transport  
23 children to or from before and after school programs,  
24 summer programs, and child care programs if such  
25 programs are not operated by a school district.  
26 Sec. 4. Section 321.373, subsection 1, Code 2014,  
27 is amended to read as follows:  
28 1. Every school bus except private passenger  
29 vehicles used as school buses and every vehicle  
30 otherwise used to transport children shall be  
31 constructed and equipped to meet safety standards  
32 prescribed in rules adopted by the state board  
33 of education. Such rules shall conform to safety  
34 standards set forth in federal laws and regulations and  
35 shall conform, insofar as practicable, to the minimum  
36 standards for school buses recommended by the national  
37 conference on school transportation administered by the  
38 national commission on safety education and published  
39 by the national education association.  
40 Sec. 5. Section 321.374, Code 2014, is amended to  
41 read as follows:  
42 **321.374 Inspection — seal of approval.**  
43 1. No A vehicle shall not be put into service  
44 as a school bus or as a vehicle otherwise used to  
45 transport children until it is given an original  
46 inspection to determine if it meets all legal and  
47 established uniform standards of construction for the  
48 protection of the health and safety of children to  
49 be transported. Vehicles which are approved shall  
50 be issued a seal of approval by the director of the

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1 department of education. All vehicles used as school  
2 buses or vehicles otherwise used to transport children  
3 shall be given a safety inspection at least once a  
4 year. Buses Vehicles passing the inspection shall be  
5 issued an inspection seal of approval by the director  
6 of the department of education. The seal of original  
7 inspection and the annual seal of inspection shall  
8 be affixed to the lower right hand corner of the  
9 windshield.

10 2. A vehicle used as a school bus or vehicle  
11 otherwise used to transport children that does not  
12 pass an inspection and receives an out-of-service  
13 violation in such inspection shall be subject to a  
14 subsequent inspection by the department of education  
15 within no more than thirty days. A vehicle that  
16 does not pass a subsequent inspection and receives an  
17 out-of-service violation in such inspection shall be  
18 removed from service until such time as the vehicle  
19 passes an inspection. The state board of education  
20 shall establish by rule a procedure for returning  
21 such vehicles to service. The board shall define  
22 out-of-service violations by rule. Such definitions  
23 shall include any deficiency under which operation of  
24 a vehicle would create an immediate risk to the safety  
25 of the driver, passengers, or the general public. The  
26 department of education shall include in its vehicle  
27 maintenance and inspection manual procedures for  
28 inspections of vehicles otherwise used to transport  
29 children, the procedure for returning vehicles  
30 to service, and the definitions of out-of-service  
31 violations.

32 Sec. 6. Section 321.379, Code 2014, is amended to  
33 read as follows:

34 **321.379 Violations.**

35 1. A school board, individual, or organization  
36 shall not purchase, construct, or contract for use, to  
37 transport ~~pupils to or from school~~ children, any school  
38 bus or vehicle otherwise used to transport children  
39 which does not comply with the minimum requirements of  
40 section 321.373 and any individual, or any member or  
41 officer of such board or organization who authorizes,  
42 the purchase, construction, or contract for any  
43 such ~~bus~~ vehicle not complying with these minimum  
44 requirements commits a simple misdemeanor.

45 2. An individual who knowingly falsifies an  
46 inspection record for a school bus or vehicle otherwise  
47 used to transport children that is subject to an  
48 out-of-service violation as defined by the state board  
49 of education commits a simple misdemeanor.

50 Sec. 7. Section 331.653, subsection 32, Code 2014,

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1 is amended to read as follows:

2 32. Enforce sections 321.372 to 321.379 relating to  
3 school buses and vehicles otherwise used to transport  
4 children.

5 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In  
6 accordance with section 25B.2, subsection 3, the state  
7 cost of requiring compliance with any state mandate  
8 included in this Act shall be paid by a school district  
9 from state school foundation aid received by the school  
10 district under section 257.16. This specification  
11 of the payment of the state cost shall be deemed to  
12 meet all of the state funding-related requirements of  
13 section 25B.2, subsection 3, and no additional state  
14 funding shall be necessary for the full implementation  
15 of this Act by and enforcement of this Act against all  
16 affected school districts.>

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COMMITTEE ON EDUCATION  
JORGENSEN of Woodbury, Chairperson

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House File 2161 - Introduced

HOUSE FILE 2161  
BY RIDING and HEARTSILL

A BILL FOR

1 An Act relating to the number of calendar days of per diem  
2 payable to members of the general assembly while serving in  
3 a regular session of a general assembly.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5751YH (3) 85  
rj/sc





Iowa General Assembly  
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H.F. 2161

1 Section 1. Section 2.10, subsection 1, Code 2014, is amended  
2 to read as follows:

3 1. Every member of the general assembly except the presiding  
4 officer of the senate, the speaker of the house, the majority  
5 and minority floor leader of each house, and the president  
6 pro tempore of the senate and speaker pro tempore of the  
7 house shall receive an annual salary of twenty-five thousand  
8 dollars for the year 2007 and subsequent years while serving  
9 as a member of the general assembly. In addition, each such  
10 member shall receive a per diem, as defined in subsection  
11 5, for expenses of office, except travel, for each day the  
12 general assembly is in session commencing with the first day  
13 of a legislative session and ending with the day of final  
14 adjournment of each legislative session as indicated by the  
15 journals of the house and senate, except that if the length  
16 of the first regular session of the general assembly exceeds  
17 one hundred ~~ten~~ calendar days and the second regular session  
18 exceeds ~~one hundred~~ ninety calendar days, the payments  
19 shall be made only for one hundred ~~ten~~ calendar days for  
20 the first session and ~~one hundred~~ ninety calendar days for  
21 the second session. Members from Polk county shall receive  
22 an amount per day equal to three-fourths of the per diem  
23 of the non-Polk county members. Each member shall receive  
24 a three hundred dollar per month allowance for legislative  
25 district constituency postage, travel, telephone costs, and  
26 other expenses. Travel expenses shall be paid at the rate  
27 established by section 8A.363 for actual travel in going to and  
28 returning from the seat of government by the nearest traveled  
29 route for not more than one time per week during a legislative  
30 session unless the general assembly otherwise provides.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 This bill reduces the number of calendar days of per diem  
35 payable to members of the general assembly while serving in a

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1 regular session of a general assembly. Per diem payments are  
2 reduced from 110 to 100 calendar days during a first regular  
3 session and from 100 to 90 calendar days during a second  
4 regular session.



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House File 2162 - Introduced

HOUSE FILE 2162  
BY ANDERSON

A BILL FOR

1 An Act relating to limited English proficient education by  
2 modifying the supplementary weighting for limited English  
3 proficient students, requiring the establishment of a  
4 limited English proficient advisory group, requiring the  
5 creation of a committee within the department of education,  
6 modifying provisions relating to the special instruction of  
7 limited English proficient students, and including effective  
8 date provisions.  
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5633YH (4) 85  
md/sc



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H.F. 2162

1 Section 1. Section 256.7, Code 2014, is amended by adding  
2 the following new subsections:  
3 NEW SUBSECTION. 33. Adopt rules, following consultation  
4 with area education agencies, the limited English proficient  
5 advisory group established under section 280.4, subsection 4,  
6 the limited English proficient committee established under  
7 section 256.9, subsection 65, and other stakeholders, that  
8 set statewide standards for the training, certification, and  
9 compliance of school employees that provide special instruction  
10 to limited English proficient students, as required by section  
11 280.4.  
12 NEW SUBSECTION. 34. Adopt rules that establish standards  
13 for the inclusion of research pertaining to the identification  
14 and instruction of limited English proficient students by any  
15 task force, committee, or advisory group, convened by the  
16 department, a division or bureau within the department, a  
17 school district, or an area education agency.  
18 Sec. 2. Section 256.9, subsection 53, paragraph c,  
19 subparagraph (1), Code 2014, is amended by adding the following  
20 new subparagraph divisions:  
21 NEW SUBPARAGRAPH DIVISION. (h) Instructional strategies  
22 for limited English proficient students, strategies for  
23 identifying limited English proficient students, and  
24 professional development strategies and materials to  
25 support teacher effectiveness in limited English proficient  
26 instruction.  
27 NEW SUBPARAGRAPH DIVISION. (i) Data reports on attendance  
28 center, school district, and statewide progress in the  
29 instruction of limited English proficient students in the  
30 context of student, attendance center, and school district  
31 demographic characteristics.  
32 Sec. 3. Section 256.9, Code 2014, is amended by adding the  
33 following new subsection:  
34 NEW SUBSECTION. 65. Establish a permanent limited English  
35 proficient committee within the department to review and

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1 make recommendations relating to the instruction of limited  
2 English proficient students. The committee shall work with  
3 relevant stakeholders, including the advisory group established  
4 pursuant to section 280.4, subsection 4, to examine the best  
5 practices for such instruction, review funding provided to  
6 school districts under section 280.4 and funding from other  
7 sources, facilitate and implement research-based reading and  
8 writing instruction for limited English proficient students,  
9 and facilitate and implement programs to identify limited  
10 English proficiency during early childhood. The committee  
11 shall include at least one representative from each division or  
12 bureau of the department.

13 Sec. 4. Section 257.31, subsection 5, paragraph j, Code  
14 2014, is amended to read as follows:

15 j. Unusual need to continue providing a program or other  
16 special assistance to non-English speaking pupils after the  
17 expiration of the ~~five-year~~ period of years specified in  
18 section 280.4.

19 Sec. 5. Section 280.4, subsection 1, Code 2014, is amended  
20 to read as follows:

21 1. The medium of instruction in all secular subjects  
22 taught in both public and nonpublic schools shall be the  
23 English language, except when the use of a foreign language  
24 is deemed appropriate in the teaching of any subject or when  
25 the student is limited English proficient. When the student  
26 is limited English proficient, both public and nonpublic  
27 schools shall provide special instruction, which shall include  
28 but need not be limited to either instruction in English  
29 as a second language or transitional bilingual instruction  
30 until the student is fully English proficient or demonstrates  
31 a functional ability to speak, read, write, and understand  
32 the English language. Each school district shall develop a  
33 research-based instruction plan for limited English proficient  
34 students. Each school district shall include its plan in  
35 the school district's comprehensive school improvement plan

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1 submitted pursuant to section 256.7, subsection 21. As  
2 used in this section, "*limited English proficient*" means a  
3 student's language background is in a language other than  
4 English, and the student's proficiency in English is such  
5 that the probability of the student's academic success in  
6 an English-only classroom is below that of an academically  
7 successful peer with an English language background. "*Fully*  
8 *English proficient*" means a student who is able to read,  
9 understand, write, and speak the English language and to use  
10 English to ask questions, to understand teachers and reading  
11 materials, to test ideas, and to challenge what is being asked  
12 in the classroom.

13 Sec. 6. Section 280.4, subsection 3, Code 2014, is amended  
14 to read as follows:

15 3. a. (1) In order to provide funds for the excess  
16 costs of instruction of limited English proficient students  
17 specified in paragraph "b" above the costs of instruction of  
18 pupils in a regular curriculum, students identified as limited  
19 English proficient shall be assigned an additional weighting  
20 ~~of twenty-two hundredths~~ according to subparagraph (2), and  
21 that weighting shall be included in the weighted enrollment of  
22 the school district of residence for a the period not exceeding  
23 five of years specified in paragraph "b". However, the school  
24 budget review committee may grant supplemental aid or a  
25 modified supplemental amount to a school district to continue  
26 funding a program for students after the expiration of the  
27 ~~five-year specified period of years.~~

28 (2) For budget years beginning on or before July 1, 2013,  
29 students identified as limited English proficient shall be  
30 assigned an additional weighting of twenty-two hundredths. For  
31 the budget year beginning July 1, 2014, students identified  
32 as limited English proficient shall be assigned an additional  
33 weighting of twenty-six hundredths. For the budget year  
34 beginning July 1, 2015, and each budget year thereafter,  
35 students identified as limited English proficient shall be

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1 assigned an additional weighting of thirty hundredths.

2     b. (1) For students first determined to be limited English  
3 proficient for a budget year beginning on or after July  
4 1, 2010, but before July 1, 2014, the additional weighting  
5 provided under paragraph "a" shall be included in the weighted  
6 enrollment of the school district of residence for a period  
7 not exceeding five years beginning with the budget year for  
8 which the student was first determined to be limited English  
9 proficient.

10     (2) For students first determined to be limited English  
11 proficient for the budget year beginning on July 1, 2014, the  
12 additional weighting provided under paragraph "a" shall be  
13 included in the weighted enrollment of the school district of  
14 residence for a period not exceeding six years beginning with  
15 the budget year for which the student was first determined to  
16 be limited English proficient.

17     (3) For students first determined to be limited English  
18 proficient for a budget year beginning on or after July 1,  
19 2015, the additional weighting provided under paragraph "a"  
20 shall be included in the weighted enrollment of the school  
21 district of residence for a period not exceeding seven years  
22 beginning with the budget year for which the student was first  
23 determined to be limited English proficient.

24     Sec. 7. Section 280.4, Code 2014, is amended by adding the  
25 following new subsection:

26     NEW SUBSECTION. 4. a. The director of the department  
27 of education shall establish a permanent limited English  
28 proficient advisory group to review and make recommendations  
29 relating to the instruction of limited English proficient  
30 students. The advisory group shall work with relevant  
31 stakeholders to conduct an examination of best practices for  
32 such instruction and a review of funding provided to school  
33 districts under section 280.4 and funding from other sources.  
34 The advisory group shall annually develop recommendations for  
35 consideration by the limited English proficient committee

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1 established under section 256.9, subsection 65, the director,  
2 the state board, and the general assembly. The advisory group  
3 shall also assist with the final development and implementation  
4 of any such recommendations or proposals.

5       b. The advisory group shall include but is not limited to  
6 the following members:

7 (1) A person or representative of an organization  
8 specializing in limited English proficient education.

9       (2) A person or representative of an organization  
10 specializing in Tit. I of the federal Elementary and Secondary  
11 Education Act of 1965, 20 U.S.C. §6301 et seq., as amended  
12 by the federal No Child Left Behind Act of 2001, Pub. L. No.  
13 107-110.

14 (3) A person or representative of an organization  
15 specializing in Tit. III of the federal No Child Left Behind  
16 Act of 2001, Pub. L. No. 107-110.

17 (4) A person or representative of an organization  
18 specializing in special education instruction.

19 (5) A person or representative of an organization  
20 specializing in the Iowa core curriculum.

21 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance  
22 with section 25B.2, subsection 3, the state cost of requiring  
23 compliance with any state mandate included in this Act shall  
24 be paid by a school district from state school foundation aid  
25 received by the school district under section 257.16. This  
26 specification of the payment of the state cost shall be deemed  
27 to meet all of the state funding-related requirements of  
28 section 25B.2, subsection 3, and no additional state funding  
29 shall be necessary for the full implementation of this Act  
30 by and enforcement of this Act against all affected school  
31 districts.

32       Sec. 9.   EFFECTIVE UPON ENACTMENT.   This Act, being deemed of  
33 immediate importance, takes effect upon enactment.

## EXPLANATION

35           The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.

2 This bill relates to limited English proficient education  
3 by modifying the supplementary weighting for limited English  
4 proficient students, requiring the establishment of a limited  
5 English proficient advisory group, requiring the creation of  
6 a committee within the department of education, and modifying  
7 provisions relating to the special instruction of limited  
8 English proficient students.

9 Current Code section 280.4 provides supplementary weighting  
10 for the excess costs of instruction of limited English  
11 proficient students. The current amount of the supplementary  
12 weighting for students identified as limited English proficient  
13 is 0.22 per student. The weighting is provided for those  
14 students first determined to be limited English proficient for  
15 a budget year beginning on or after July 1, 2010, and may be  
16 included in the weighted enrollment of the school district for  
17 a period not exceeding five years.

18 For the school budget year beginning on July 1, 2014, the  
19 bill increases the amount of the supplementary weighting for  
20 those students identified as limited English proficient to 0.26  
21 per student. For the budget year beginning on July 1, 2015,  
22 and each budget year thereafter, those students identified as  
23 limited English proficient shall be assigned an additional  
24 weighting of 0.30 per student.

25 The bill also specifies the number of years during which the  
26 additional weighting may be included in the school district's  
27 weighted enrollment. For students first determined to be  
28 limited English proficient for a budget year beginning on or  
29 after July 1, 2010, but before July 1, 2014, the additional  
30 weighting may be included for a period not exceeding five  
31 years. For students first determined to be limited English  
32 proficient for the budget year beginning on July 1, 2014, the  
33 additional weighting may be included for a period not exceeding  
34 six years. For students first determined to be limited English  
35 proficient for a budget year beginning on or after July 1,

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1 2015, the additional weighting may be included for a period not  
2 exceeding seven years.

3 The bill requires each school district to develop a  
4 research-based instruction plan for limited English proficient  
5 students and requires such plan to be included in the school  
6 district's comprehensive school improvement plan submitted  
7 pursuant to Code section 256.7(21).

8 The bill requires the director of the department of  
9 education to establish a permanent limited English proficient  
10 advisory group to review and make recommendations relating to  
11 the instruction of limited English proficient students. The  
12 bill also establishes requirements relating to the membership  
13 of the advisory group.

14 The bill also requires the director of the department  
15 of education to establish a permanent limited English  
16 proficient committee within the department to review and make  
17 recommendations relating to the instruction of limited English  
18 proficient students. The bill requires the committee to work  
19 with relevant stakeholders, including the limited English  
20 proficient advisory group required to be established under  
21 the bill, to examine the best practices for such instruction,  
22 review funding sources, facilitate and implement research-based  
23 reading and writing instruction for limited English proficient  
24 students, and facilitate and implement programs to identify  
25 limited English proficiency during early childhood. The  
26 committee must include at least one representative from each  
27 division or bureau of the department of education.

28 The bill requires the Iowa reading research center,  
29 established by the director of the department of education  
30 pursuant to Code section 256.9(53)(c), to provide for the  
31 development and dissemination of specified strategies and data  
32 reports related to limited English proficient students.

33 The bill requires the state board of education to adopt  
34 rules, following consultation with area education agencies and  
35 stakeholders, that set statewide standards for the training,

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1 certification, and compliance of school employees that provide  
2 special instruction to limited English proficient students.

3     The bill also requires the state board of education to adopt  
4 rules that establish standards for the inclusion of research  
5 pertaining to the identification and instruction of limited  
6 English proficient students by any task force, committee, or  
7 advisory group, convened by the department, a division or  
8 bureau within the department, a school district, or an area  
9 education agency.

10     This bill may include a state mandate as defined in Code  
11 section 25B.3. The bill requires that the state cost of  
12 any state mandate included in the bill be paid by a school  
13 district from state school foundation aid received by the  
14 school district under Code section 257.16. The specification  
15 is deemed to constitute state compliance with any state mandate  
16 funding-related requirements of Code section 25B.2. The  
17 inclusion of this specification is intended to reinstate the  
18 requirement of political subdivisions to comply with any state  
19 mandates included in the bill.

20     The bill takes effect upon enactment.



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**House File 2163 - Introduced**

HOUSE FILE 2163  
BY PETTENGILL

**A BILL FOR**

1 An Act authorizing the board of medicine to inspect medical  
2 settings in which anesthesia services are provided by  
3 licensees under the purview of the board.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5507YH (8) 85  
pf/nh

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1 Section 1. NEW SECTION. 148.4 Anesthesia services —  
2 inspection of medical settings.

3 The board may conduct an inspection of a medical setting  
4 in which a licensee under this chapter provides anesthesia  
5 services. The inspection may include review of any  
6 documentation related to the provision of such anesthesia  
7 services. The board may contract with another state agency or  
8 qualified person to conduct inspections under this section.  
9 The costs of inspections shall be paid through the expenditure  
10 of licensing fees. The board shall adopt rules to administer  
11 this section.

12 EXPLANATION

13           The inclusion of this explanation does not constitute agreement with  
14           the explanation's substance by the members of the general assembly.

15 This bill authorizes the board of medicine to conduct  
16 inspections of medical settings in which anesthesia services  
17 are provided by licensees under the purview of the board  
18 of medicine. The inspection may include review of any  
19 documentation related to the provision of anesthesia services.  
20 The bill authorizes the board to contract with another state  
21 agency or qualified person to conduct the inspections. License  
22 fees shall be used to cover the costs of inspections. The  
23 board is directed to adopt rules to administer the bill.



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House File 2164 - Introduced

HOUSE FILE 2164

BY FISHER, STAED, MURPHY,  
RIDING, WESSEL-KROESCHELL,  
M. SMITH, BEARINGER,  
SHEETS, ALONS, DAWSON,  
KAJTAZOVIC, KEARNS,  
T. TAYLOR, MASCHER, HUNTER,  
and THEDE

(COMPANION TO SF 2084 BY  
SODDERS)

A BILL FOR

1 An Act relating to the services provided through the department  
2 of human services for children and young adults, including  
3 through the Iowa juvenile home, and including effective date  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5530HH (2) 85  
jp/rj



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1 Section 1. Section 218.13, subsection 1, paragraph c, Code  
2 2014, is amended to read as follows:

3 c. "*Resident*" means a person ~~committed or~~ admitted to,  
4 committed to, or placed at an institution.

5 Sec. 2. Section 232.52, subsection 2, Code 2014, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. 0c. An order placing the child at the  
8 Iowa juvenile home for a time-limited assessment of the  
9 functioning and service needs of the child. Unless the  
10 court enters an order for an out-of-home placement under this  
11 subsection, if the evidence in the record shows that the child  
12 has been previously adjudicated as delinquent or as a child  
13 in need of assistance and has been the subject of three or  
14 more out-of-home placements, the court shall enter an order  
15 for the child to be placed at the Iowa juvenile home for a  
16 time-limited assessment. Upon receiving the Iowa juvenile  
17 home's assessment, the court shall consider the recommendations  
18 made in the assessment in ordering a disposition under this  
19 subsection.

20 Sec. 3. Section 232.52, subsection 2, paragraph e,  
21 unnumbered paragraph 1, Code 2014, is amended to read as  
22 follows:

23 An order transferring the guardianship of the child,  
24 subject to the continuing jurisdiction and custody of the court  
25 for the purposes of section 232.54, to the director of the  
26 department of human services for purposes of placement in the  
27 state training school, Iowa juvenile home, or other facility,  
28 provided that the child is at least twelve years of age and  
29 the court finds the placement to be in the best interests of  
30 the child or necessary for the protection of the public, and  
31 that the child has been found to have committed an act which is  
32 a forcible felony, as defined in section 702.11, or a felony  
33 violation of section 124.401 or chapter 707, or the court finds  
34 any three of the following conditions exist:

35 Sec. 4. Section 232.52, subsection 10, paragraph a,

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1 unnumbered paragraph 1, Code 2014, is amended to read as  
2 follows:

3     Upon receipt of an application from the director of the  
4 department of human services, the court shall enter an order to  
5 temporarily transfer a child who has been placed in the state  
6 training school or Iowa juvenile home pursuant to subsection  
7 2, paragraph "e", to a facility which has been designated to be  
8 an alternative placement site for the state training school or  
9 Iowa juvenile home, provided the court finds that all of the  
10 following conditions exist:

11     Sec. 5. Section 232.52, subsection 10, paragraph a,  
12 subparagraph (2), Code 2014, is amended to read as follows:

13     (2) Immediate removal of the child from the state training  
14 school or Iowa juvenile home is necessary to safeguard the  
15 child's physical or emotional health.

16     Sec. 6. Section 232.54, subsection 1, paragraph f, Code  
17 2014, is amended to read as follows:

18     f. With respect to a temporary transfer order made pursuant  
19 to section 232.52, subsection 10, if the court finds that  
20 removal of a child from the state training school or Iowa  
21 juvenile home is necessary to safeguard the child's physical  
22 or emotional health and is in the best interests of the child,  
23 the court shall grant the director's motion for a substitute  
24 dispositional order to place the child in a facility which has  
25 been designated to be an alternative placement site for the  
26 state training school or Iowa juvenile home.

27     Sec. 7. Section 232.102, Code 2014, is amended by adding the  
28 following new subsection:

29     NEW SUBSECTION. 2A. After a dispositional hearing the  
30 court may enter an order for the child to be placed at the Iowa  
31 juvenile home for a time-limited assessment of the functioning  
32 and service needs of the child. Unless the court enters an  
33 order for an out-of-home placement under this section, if the  
34 evidence in the record shows that the child has been previously  
35 adjudicated as delinquent or as a child in need of assistance

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1 and has been the subject of three or more out-of-home  
2 placements, the court shall enter an order for the child to be  
3 placed at the Iowa juvenile home for a time-limited assessment.  
4 Upon receiving the Iowa juvenile home's assessment, the court  
5 shall consider the recommendations made in the assessment in  
6 ordering a disposition under this section.

7 Sec. 8. Section 232.102, subsection 3, Code 2014, is amended  
8 to read as follows:

9 3. After a dispositional hearing and upon written  
10 findings of fact based upon evidence in the record that an  
11 alternative placement set forth in subsection 1, paragraph  
12 "a", subparagraph (1), has previously been made and is not  
13 appropriate the court may enter an order transferring the  
14 guardianship of the child for the purposes of subsection 8,  
15 to the director of human services for the purposes of an  
16 assessment by or placement in the Iowa juvenile home at Toledo.

17 Sec. 9. Section 233A.1, Code 2014, is amended to read as  
18 follows:

19 **233A.1 State training school — at Eldora and Toledo.**

20 1. ~~Effective January 1, 1992, a~~ A diagnosis and evaluation  
21 center and other units ~~are established~~ shall be maintained  
22 at Eldora to provide to male juvenile delinquents a program  
23 which focuses upon appropriate developmental skills, treatment,  
24 placements, and rehabilitation.

25 2. The diagnosis and evaluation center which is used to  
26 identify appropriate treatment and placement alternatives for  
27 ~~juveniles~~ male juvenile delinquents and any other units for  
28 male juvenile delinquents which are located at Eldora ~~and~~  
29 ~~the unit for juvenile delinquents at Toledo~~ shall together  
30 be known as the "*state training school*". For the purposes of  
31 this chapter, "*director*" means the director of human services  
32 and "*superintendent*" means the administrator in charge of the  
33 diagnosis and evaluation center for juvenile delinquents and  
34 other units at Eldora ~~and the unit for juvenile delinquents at~~  
35 ~~Toledo~~.

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1     3. The number of children present at any one time at the  
2 state training school at Eldora shall not exceed the population  
3 guidelines established under 1990 Iowa Acts, chapter 1239,  
4 section 21, as adjusted for subsequent changes in the capacity  
5 at the training school.

6     4. For any child receiving a diagnosis or evaluation from  
7 or placed at the state training school, the state training  
8 school shall provide a written plan regarding the placement  
9 status of the child on or about the time the child becomes age  
10 eighteen. The plan shall, while giving consideration to the  
11 treatment needs of the child, also give consideration to the  
12 long-term needs of the child upon becoming age eighteen. Given  
13 these considerations, the plan shall identify placement options  
14 to meet the child's needs that will not negatively affect the  
15 child's adult eligibility for assistance provided with federal  
16 financial participation. The assistance addressed shall  
17 include but is not limited to the preparation for adult living  
18 program under section 234.46, the medical assistance program,  
19 and the federal job corps program.

20     Sec. 10. Section 233A.6, Code 2014, is amended to read as  
21 follows:

22     **233A.6 Visits — guardian ad litem.**

23     1. Members of the executive council, the attorney general,  
24 the lieutenant governor, members of the general assembly,  
25 judges of the supreme and district court and court of appeals,  
26 magistrates, county attorneys and persons ordained or  
27 designated as regular leaders of a religious community are  
28 authorized to visit the state training school at reasonable  
29 times. No Except as authorized by subsection 2 or other law,  
30 other person persons shall not be granted admission except by  
31 permission of the superintendent.

32     2. The guardian ad litem for a child placed at the state  
33 training school shall meet in person with the child at least  
34 quarterly and shall report to the court regarding the child as  
35 required by the court.

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1 Sec. 11. Section 233B.1, Code 2014, is amended to read as  
2 follows:

3 **233B.1 Definitions — purpose — population limit.**

4 1. For the purpose of this chapter, unless the context  
5 otherwise requires:

6 a. "Administrator" or "director" means the director of the  
7 department of human services.

8 b. "Home" means the Iowa juvenile home.

9 c. "Superintendent" means the superintendent of the Iowa  
10 juvenile home.

11 2. The Iowa juvenile home shall be maintained ~~for the~~  
12 ~~purpose of providing care, custody, and education of the~~  
13 ~~children committed to the home. The children shall be wards of~~  
14 ~~the state. The children's education shall embrace instruction~~  
15 ~~in the common school branches and in such other higher branches~~  
16 ~~as may be practical and will enable the children to gain useful~~  
17 ~~and self-sustaining employment. The administrator and the~~  
18 ~~superintendent of the home shall assist all discharged children~~  
19 ~~in securing suitable homes and proper employment. to do all of~~  
20 the following for residents of this state:

21 a. Provide time-limited assessments of the functioning  
22 and service needs of female and male children less than  
23 age eighteen who have been adjudicated under chapter 232 as  
24 delinquent or as a child in need of assistance. The placement  
25 of a child at the home for an assessment shall be by one of the  
26 following means:

27 (1) By order of the juvenile court under chapter 232.

28 (2) For a child in an out-of-home placement, by referral of  
29 the department or an agency providing services to the child.

30 b. Provide gender-responsive services to female children  
31 less than age eighteen who have been adjudicated under chapter  
32 232 as delinquent or as a child in need of assistance and  
33 placed at the home in accordance with a court order.

34 c. Provide continued placement at the home for female  
35 children who were placed at the home under paragraph "b" upon

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1 the children becoming an adult, until age twenty-one. The  
2 purpose of continued placement is for completion of high school  
3 education requirements identified in the education plans  
4 developed by the provider of educational services for the  
5 children.

6 d. Provide training and consultation services to public  
7 and private providers of services to children adjudicated  
8 delinquent or as a child in need of assistance.

9 e. Provide follow-up services to children, who received  
10 assessment services from or placement services at the home and  
11 who remain under the jurisdiction of the juvenile court, as  
12 necessary to meet the long-term needs of the children as they  
13 age into adulthood. Follow-up services shall be provided to  
14 support children who are discharged from the home during the  
15 period beginning twelve months prior to the children becoming  
16 age eighteen and ending on the day prior to the children  
17 becoming age eighteen who do not remain under the jurisdiction  
18 of the juvenile court. In addition, follow-up services shall  
19 be made available to children discharged from the home at  
20 any age upon or after the children become age eighteen and  
21 continuing until at least age twenty-one.

22 3. The assessment services provided by the home to a  
23 child shall identify any physical, emotional, intellectual,  
24 behavioral, or mental health disorder or condition affecting  
25 the child and recommend treatment to address the disorder or  
26 condition, identify any substance-related disorder of the child  
27 or the child's family and recommend treatment to address the  
28 disorder, assess the child's educational status and recommend  
29 action to address any identified educational deficiency, and  
30 identify specific public and private service providers with  
31 the capacity to meet the child's needs. The assessment of a  
32 child shall identify one or more placement or service options  
33 to best meet the permanency needs of the child. The assessment  
34 findings, assumptions, and recommendations shall be reported in  
35 writing to the court or other person that referred the child

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1 for assessment.

2     4. For any child receiving an assessment from or placed  
3 at the home, the home shall provide a written plan regarding  
4 the placement status of the child on or about the time the  
5 child becomes age eighteen. The plan shall, while giving  
6 consideration to the treatment needs of the child, also give  
7 consideration to the long-term needs of the child upon becoming  
8 age eighteen. Given these considerations, the plan shall  
9 identify placement options to meet the child's needs that will  
10 not negatively affect the child's eligibility as an adult for  
11 assistance provided through federal financial participation.  
12 The assistance addressed shall include but is not limited to  
13 the preparation for adult living program under section 234.46,  
14 the medical assistance program, and the federal job corps  
15 program.

16     ~~3.~~ 5. The number of children present at any one time at the  
17 Iowa juvenile home shall not exceed the population guidelines  
18 established under 1990 Iowa Acts, chapter 1239, section 21, as  
19 adjusted for subsequent changes in the capacity at the home.

20     6. The education services provided to the children placed  
21 at the home shall be provided by a local school district,  
22 area education agency, or other provider approved by the  
23 department of education. Funding shall be made available by  
24 the department or as designated by law for education services  
25 to be provided to the children placed at the home throughout  
26 the fiscal year and to pay the other education costs that are  
27 not paid for under chapter 257.

28     7. The department shall cause the home to be accredited as  
29 a juvenile correctional facility by the American correctional  
30 association, to meet the standards adopted by the department  
31 for approval of a juvenile detention home, and to meet  
32 applicable standards for programs providing residential  
33 services for children paid for by a managed care or prepaid  
34 services contract under the medical assistance program.

35     8. The administrator and the superintendent for the

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1 home shall provide on an ongoing basis for the home's  
2 programs, facilities, and services, and for the training  
3 of staff in order to apply evidence-based practices and  
4 other recognized contemporary approaches to ensure that  
5 the care for the children served by the home is of high  
6 quality. The administrator's and superintendent's efforts  
7 and recommendations to comply with this requirement shall  
8 be documented in the annual budget and financial reporting  
9 submitted to the governor and the general assembly.

10 Sec. 12. Section 233B.2, Code 2014, is amended to read as  
11 follows:

12 **233B.2 Salary.**

13 The salary of the superintendent of the home shall be  
14 determined by the administrator in accordance with the state  
15 requirements for similar positions.

16 Sec. 13. Section 233B.3, Code 2014, is amended to read as  
17 follows:

18 **233B.3 ~~Admissions~~ Commitments and placements — guardian ad**  
19 **~~litem.~~**

20 ~~Admission to the home shall be granted to resident children~~  
21 ~~of the state under seventeen years of age, as follows, giving~~  
22 ~~preference in the order named:~~

23 1. ~~Neglected or dependent children committed by the~~  
24 ~~juvenile court~~ Commitments to and placements at the Iowa  
25 juvenile home shall be limited to the commitments and  
26 placements specified in section 233B.1.

27 2. ~~Other destitute children~~ The guardian ad litem for a  
28 child placed at the home shall meet in person with the child  
29 at least quarterly and shall report to the court regarding the  
30 child as required by the court.

31 Sec. 14. Section 233B.4, Code 2014, is amended to read as  
32 follows:

33 **233B.4 Procedure.**

34 The procedure for commitment to and placement at the home is  
35 shall be as provided by chapter 232 and section 233B.3.

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1 Sec. 15. Section 233B.5, Code 2014, is amended to read as  
2 follows:

3 **233B.5 Transfers.**

4 The administrator may propose the transfer to the home  
5 of minor wards of the state from any institution under the  
6 administrator's charge or under the charge of any other  
7 administrator of the department of human services; ~~but no~~  
8 ~~person shall be so transferred who is a person with mental~~  
9 ~~illness or an intellectual disability, or who is incorrigible,~~  
10 ~~or has any vicious habits, or whose presence in the home would~~  
11 ~~be inimical to the moral or physical welfare of the other~~  
12 ~~children within the home, and any such child in the home may~~  
13 ~~be transferred to the proper state institution. However, the~~  
14 superintendent shall only approve the transfer of minor wards  
15 who meet the placement criteria specified in section 233B.1.

16 Sec. 16. Section 233B.6, Code 2014, is amended to read as  
17 follows:

18 **233B.6 Profits and earnings.**

19 Any money earned by or accrued to the benefit of a child  
20 who is transferred to, admitted to, or placed in foster care  
21 from the home shall be used, held, or otherwise applied for the  
22 exclusive benefit of that child, in accordance with section  
23 234.37.

24 Sec. 17. Section 233B.7, Code 2014, is amended to read as  
25 follows:

26 **233B.7 Rules.**

27 ~~All children admitted or committed to the home shall be wards~~  
28 ~~of the state and subject to the rules of the home. Subject to~~  
29 ~~the approval of the administrator, any child received under~~  
30 ~~voluntary application may be expelled by the superintendent~~  
31 ~~for disobedience and refusal to submit to proper discipline.~~  
32 ~~Children shall be discharged upon arriving at the age of~~  
33 ~~eighteen years, or sooner if possessed of sufficient means to~~  
34 ~~provide for themselves. The department shall adopt rules to~~  
35 administer and operate the home in the best interests of the

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1 children placed at the home.

2 Sec. 18. Section 234.46, subsection 1, paragraph c, Code  
3 2014, is amended to read as follows:

4 c. At the time the person became age eighteen, the person  
5 received foster care services that were paid for by the state  
6 under section 234.35, services at the Iowa juvenile home or  
7 the state training school, services at a juvenile shelter care  
8 home, or services at a juvenile detention home and the person  
9 is no longer receiving such services.

10 Sec. 19. Section 234.46, subsection 2, unnumbered paragraph  
11 1, Code 2014, is amended to read as follows:

12 The division shall establish a preparation for adult living  
13 program directed to young adults. The purpose of the program  
14 is to assist persons who are leaving foster care and other  
15 court-ordered services at age eighteen or older in making the  
16 transition to self-sufficiency. The department shall adopt  
17 rules necessary for administration of the program, including  
18 but not limited to eligibility criteria for young adult  
19 participation and the services and other support available  
20 under the program. The rules shall provide for participation  
21 of each person who meets the definition of young adult on  
22 the same basis, regardless of whether federal financial  
23 participation is provided. The services and other support  
24 available under the program may include but are not limited to  
25 any of the following:

26 Sec. 20. Section 331.424, subsection 1, paragraph a,  
27 subparagraph (1), subparagraph division (b), Code 2014, is  
28 amended to read as follows:

29 (b) Care of children ~~admitted or committed to~~ or placed at  
30 the Iowa juvenile home at Toledo.

31 Sec. 21. Section 331.756, subsection 51, Code 2014, is  
32 amended by striking the subsection.

33 Sec. 22. Section 331.802, subsection 3, paragraph k, Code  
34 2014, is amended to read as follows:

35 k. Death of a person ~~committed or~~ admitted to, committed to,

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1 or placed at a state mental health institute, a state resource  
2 center, the state training school, or the Iowa juvenile home.

3 Sec. 23. Section 357H.1, subsection 1, Code 2014, is amended  
4 to read as follows:

5 1. The board of supervisors of a county with less than  
6 twenty thousand residents, not counting persons admitted ~~or to,~~  
7 committed to, or placed at an institution enumerated in section  
8 218.1 or 904.102, based upon the 2000 certified federal census,  
9 and with a private lake development shall designate an area  
10 surrounding the lake, if it is an unincorporated area of the  
11 county, a rural improvement zone upon receipt of a petition  
12 pursuant to section 357H.2, and upon the board's determination  
13 that the area is in need of improvements.

14 Sec. 24. Section 690.4, subsection 1, Code 2014, is amended  
15 to read as follows:

16 1. The warden of the Iowa medical and classification center  
17 and superintendent of the state training school shall take or  
18 procure the taking of the fingerprints, and, in the case of  
19 the Iowa medical and classification center only, Bertillon  
20 photographs of any person received on commitment to their  
21 respective institutions, and shall forward such fingerprint  
22 records and photographs within ten days after they are taken  
23 to the department of public safety. The superintendent of the  
24 Iowa juvenile home shall take or procure the taking of the  
25 fingerprints of any female adjudicated delinquent who is placed  
26 at the home and shall forward the fingerprint records within  
27 ten days after they are taken to the department of public  
28 safety. Information obtained from fingerprint cards submitted  
29 pursuant to this section may be retained by the department  
30 of public safety as criminal history records. If a charge  
31 for a serious misdemeanor, aggravated misdemeanor, or felony  
32 is brought against a person already in the custody of a law  
33 enforcement or correctional agency and the charge is filed in a  
34 case separate from the case for which the person was previously  
35 arrested or confined, the agency shall take the fingerprints of

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1 the person in connection with the new case and submit them to  
2 the department of public safety.

3 Sec. 25. Section 904.201, subsection 8, Code 2014, is  
4 amended to read as follows:

5 8. Chapter 230 governs the determination of costs and  
6 charges for the care and treatment of persons with mental  
7 illness admitted to the forensic psychiatric hospital,  
8 except that charges for the care and treatment of any person  
9 transferred to the forensic psychiatric hospital from an  
10 adult correctional institution ~~or from a~~, the state training  
11 school, or the Iowa juvenile home shall be paid entirely from  
12 state funds. Charges for all other persons at the forensic  
13 psychiatric hospital shall be billed to the respective counties  
14 at the same ratio as for patients at state mental health  
15 institutes under section 230.20.

16 Sec. 26. Section 904.503, subsection 1, paragraph c, Code  
17 2014, is amended to read as follows:

18 c. If the juvenile court waives its jurisdiction over a  
19 child over thirteen and under eighteen years of age pursuant  
20 to section 232.45 so that the child may be prosecuted as an  
21 adult and if the child is convicted of a public offense in the  
22 district court and committed to the custody of the director  
23 under section 901.7, the director may request transfer of  
24 the child to the state training school or Iowa juvenile home  
25 under this section. If the administrator of a division of  
26 the department of human services consents and approves the  
27 transfer, the child may be retained in temporary custody by the  
28 state training school or Iowa juvenile home until attaining the  
29 age of eighteen, at which time the child shall be returned to  
30 the custody of the director of the department of corrections  
31 to serve the remainder of the sentence imposed by the district  
32 court. If the child becomes a security risk or becomes a  
33 danger to other residents of the state training school or Iowa  
34 juvenile home at any time before reaching eighteen years of  
35 age, the administrator of the division of the department of

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1 human services may immediately return the child to the custody  
2 of the director of the department of corrections to serve the  
3 remainder of the sentence.

4 Sec. 27. Section 915.29, subsection 1, unnumbered paragraph  
5 1, Code 2014, is amended to read as follows:

6 The department of human services shall notify a registered  
7 victim regarding a juvenile adjudicated delinquent for a  
8 violent crime, committed to the custody of the department of  
9 human services, and placed at the state training school at  
10 Eldora or the Iowa juvenile home at Toledo, of the following:

11 Sec. 28. REPEAL. Sections 233B.10, 233B.11, 233B.12, and  
12 233B.13, Code 2014, are repealed.

13 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
14 of immediate importance, takes effect upon enactment.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the services provided through the  
19 department of human services (DHS) for children and young  
20 adults, including through the Iowa juvenile home (home). The  
21 bill amends the services required to be provided at the home  
22 and limits continued placements to females only. In addition,  
23 references in current law to the state training school that, by  
24 definition, also include the home are amended to specifically  
25 reference the home.

26 Code section 218.13, relating to employment record checks  
27 of prospective and current employees of DHS institutions, is  
28 amended to include the placement terminology used in the bill.

29 Juvenile justice code dispositional provisions in Code  
30 sections 232.52 and 232.54 (delinquency) and Code section  
31 232.102 (child in need of assistance) are amended to  
32 specifically reference the home in lieu of the definition in  
33 current law that includes the home in the defined term, "state  
34 training school". The current law in Code section 232.52 is  
35 maintained which restricts placement in the institutions of

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1 adjudicated delinquent males and females who are at least  
2 age 12 and the court finds the placement to be in the best  
3 interests of the child or necessary for the protection of the  
4 public, and that the child has been found to have committed  
5 an act which is a forcible felony, as defined in Code section  
6 702.11 (felonious child endangerment, assault, murder, sexual  
7 abuse, kidnapping, robbery, arson in the first degree, or  
8 burglary in the first degree), or a felony violation of Code  
9 section 124.401 (prohibited acts with controlled substances)  
10 or Code chapter 707 (homicide and related crimes) or meets at  
11 least three of four other criteria relating to age, crimes  
12 against persons, recidivism, and prior placement.

13 An addition is made to the dispositional orders the court  
14 may enter under Code section 232.52 (adjudicated delinquent)  
15 and Code section 232.102 (adjudicated as a CINA), authorizing  
16 the court to enter a temporary order for placement of the child  
17 at the Iowa juvenile home for an assessment. Unless the court  
18 enters a dispositional order for an out-of-home placement, if  
19 the record shows that the child has been previously adjudicated  
20 as delinquent or as a CINA and has been ordered into three or  
21 more out-of-home placements, the court is required to enter a  
22 temporary order for the child to be placed at the Iowa juvenile  
23 home for assessment. Upon receiving the Iowa juvenile home's  
24 assessment, the court must consider the recommendations made  
25 in the assessment in entering one of the dispositional orders  
26 available to the court for a child adjudicated delinquent or  
27 as a CINA.

28 Code chapter 233A.1, relating to the state training school  
29 at Eldora is amended to eliminate the inclusion of the Iowa  
30 juvenile home in the training school by definition. In  
31 addition, the state training school is required to provide  
32 a written plan regarding the placement status of a child at  
33 the training school on or about the time the child becomes  
34 age 18. The plan is required to identify placement options  
35 to meet the child's needs that will not negatively affect the

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1 child's adult eligibility for assistance provided through  
2 federal financial participation. The assistance addressed is  
3 required to include the preparation for adult living program,  
4 the medical assistance (Medicaid) program, and the federal job  
5 corps program.

6 Code section 233A.6, relating to visits at the training  
7 school is amended to require the guardian ad litem for a child  
8 placed at the school to meet in person with the child at least  
9 quarterly and to report to the court regarding the child as  
10 required by the court.

11 Code chapter 233B, relating to the Iowa juvenile home, is  
12 substantially rewritten.

13 Code section 233B.1 is amended to revise the purpose of the  
14 home to provide time-limited assessments of the functioning  
15 and service needs of female and male children who have been  
16 adjudicated as delinquent or as a child in need of assistance  
17 (CINA), to provide gender-responsive services to such females  
18 placed at the home for treatment and other services, to provide  
19 continued placements of females placed at the home who age  
20 into adulthood to complete high school education requirements  
21 (this authorization exists in current law in Code section  
22 233B.10, repealed by the bill), and to provide training and  
23 consultation services to public and private providers of  
24 services to children adjudicated delinquent or as a CINA.  
25 Certain functions are required to be part of the assessment  
26 services. Similar to the requirement for the state training  
27 school, the home is required to provide a written plan for the  
28 placement status of a child assessed by or placed at the home  
29 on or about the time the child becomes age 18.

30 In addition, the home is required to provide follow-up  
31 services to children who received assessment services from  
32 or placement services at the home and who remain under the  
33 jurisdiction of the juvenile court, and to persons who were  
34 placed at the home and have aged into adulthood.

35 Education services for the children placed at the home are

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1 to be provided by the local school district, area education  
2 agency, or other provider approved by the department of  
3 education. Moneys are to be made available by DHS or as  
4 designated by law for education costs not paid for through the  
5 school finance provisions of Code chapter 257.

6 DHS is required to cause the home to be accredited as a  
7 juvenile correctional facility by the American correctional  
8 association, to meet DHS standards for approval as a juvenile  
9 detention home, and to meet the applicable standards for  
10 residential services for children paid for by managed care or  
11 prepaid services contract for the Medicaid program.

12 The DHS administrator and the home's superintendent  
13 are required to provide on an ongoing basis for the home's  
14 programs, facilities, and services, and for the training  
15 of staff in order to apply evidence-based practices and  
16 other recognized contemporary approaches to ensure that  
17 the care for the children served by the home is of high  
18 quality. The administrator's and superintendent's efforts  
19 and recommendations to comply with this requirement are to  
20 be documented in the annual budget and financial reporting  
21 submitted to the governor and general assembly.

22 Code section 233B.3, relating to admissions of children who  
23 are residents of this state, is amended to limit commitments to  
24 placements specified in Code section 233B.1, as amended by the  
25 bill. The requirement in current law restricting admission to  
26 children under age 17 is stricken. In addition, the guardian  
27 ad litem for a child placed at the home is required to meet in  
28 person with the child at least quarterly and to report to the  
29 court regarding the child as required by the court.

30 Code section 233B.5 is amended to modify the authority of DHS  
31 to transfer children from other DHS institutions to the home.  
32 The bill prohibits the home's superintendent from approving a  
33 transfer proposal that does not meet the placement criteria  
34 specified by the bill.

35 Code section 233B.7, requiring children to comply with the

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1 rules of the home, is amended. Requirements for children to  
2 comply with the rules of the home, for expulsion of voluntary  
3 placements who do not comply, and requiring discharge when a  
4 child becomes age 18 are stricken. The bill requires DHS to  
5 adopt rules to administer and operate the home to meet the best  
6 interests of the children admitted to the home.

7 Code sections 233B.10, 233B.11, 233B.12, and 233B.13 are  
8 repealed. These sections authorize DHS to place a child  
9 admitted to the home into foster care and allow the placement  
10 to continue into adulthood for educational purposes. Other  
11 repealed Code sections provide for contracting for the  
12 placements and for the county attorney to institute proceedings  
13 to recover possession of the child if the contract is violated  
14 and to prohibit the child's parent from interfering with the  
15 placement or the child while the placement is in force. A  
16 subsection of Code section 331.756, relating to the duties of  
17 the county attorney, is amended to remove this duty of the  
18 county attorney to recover possession of a child placed from  
19 the home into foster care.

20 Code section 234.46, relating to the preparation for  
21 adult living program administered by DHS, is amended. The  
22 eligibility definition is expanded to include persons who,  
23 at the time such person became age 18, received services at  
24 the Iowa juvenile home, the state training school, a shelter  
25 care home, or a juvenile detention home. Current law limits  
26 eligibility to persons who, at the time such person became  
27 age 18, was receiving foster care services paid for by the  
28 state. The rules adopted by the department for the program are  
29 required to provide for the participation of each person who  
30 meets the eligibility definition on the same basis, regardless  
31 of whether federal financial participation is provided.

32 Code section 331.424, relating to county supplemental levy  
33 authority, is amended to conform with the placement terminology  
34 used in the bill.

35 Code section 331.802, relating to reporting and

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1 investigations of certain deaths, is amended to include the  
2 placement terminology used in the bill in a reference to death  
3 of a person that occurs at the home.

4 Code section 357H.1, relating to rural improvement zones, is  
5 amended to include the placement terminology used in the bill  
6 in a reference to DHS institutions.

7 Code section 690.4, which requires fingerprinting of  
8 children placed at the state training school, which by  
9 definition includes the Iowa juvenile home, is amended to  
10 specifically require fingerprinting of females adjudicated  
11 delinquent who are placed at the home.

12 Code section 904.201, relating to the Iowa medical  
13 and classification center at Oakdale, provides for state  
14 responsibility for charges for children admitted to the center  
15 from the state training school, which by definition includes  
16 the Iowa juvenile home, and the bill specifically refers to the  
17 home.

18 Code section 904.503 allows for the director of the  
19 department of corrections to request the transfer to the state  
20 training school (includes the Iowa juvenile home by current  
21 definition) of a child over age 13 and less than 18 who was  
22 prosecuted and convicted as an adult in order for the school to  
23 keep the child in custody until age 18. The bill specifically  
24 lists the Iowa juvenile home in this authorization rather than  
25 including the home by definition.

26 Code section 915.29, relating to notification of victims of  
27 a violent crime committed by a juvenile delinquent when placed  
28 at the state training school (includes the Iowa juvenile home  
29 by current definition) and the juvenile escapes or is to be  
30 released, is amended to specifically list the Iowa juvenile  
31 home in this requirement rather than including the home by  
32 definition.

33 The bill takes effect upon enactment.

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House File 2165 - Introduced

HOUSE FILE 2165  
BY ANDERSON

(COMPANION TO SF 2060 BY  
PETERSEN)

A BILL FOR

1 An Act relating to the issuance of lifetime hunting licenses to  
2 Iowa residents.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2165

1 Section 1. NEW SECTION. 483A.4A Lifetime hunting license —  
2 residents sixty-five years of age or older.

3 A person who is a resident of this state and who is or will  
4 turn sixty-five years of age or older is eligible to apply for  
5 and obtain a lifetime hunting license under section 483A.1,  
6 subsection 1, paragraph `j`. The person may apply for the  
7 lifetime hunting license beginning on the first day of the  
8 first month of the calendar year in which the person will  
9 attain the age of sixty-five.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill provides that an Iowa resident who is or will turn  
14 65 years of age or older is eligible to apply for and obtain  
15 a lifetime hunting license. The person may apply for the  
16 lifetime license beginning on the first day of the first month  
17 of the calendar year in which the person will attain the age of  
18 65. The fee for a lifetime license under Code section 483A.1,  
19 subsection 1, paragraph `j` is \$50.50.



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House File 2166 - Introduced

HOUSE FILE 2166  
BY ISENHART, ANDERSON,  
GASKILL, KELLEY,  
RIDING, FORBES, STAED,  
WESSEL-KROESCHELL,  
PRICHARD, HANSON,  
KAJTAZOVIC, STECKMAN,  
WINCKLER, and LENSING

A BILL FOR

1 An Act requiring a specified percentage of alternate energy  
2 purchase requirements to be derived from solar energy.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 476.44, subsection 2, Code 2014, is  
2 amended to read as follows:  
3 2. a. An electric utility subject to this division, except  
4 a utility that elects rate regulation pursuant to section  
5 476.1A, shall not be required to own or purchase, at any one  
6 time, more than its share of one hundred five megawatts of  
7 power from ~~alternative~~ alternate energy production facilities  
8 or small hydro facilities at the rates established pursuant to  
9 section 476.43. The board shall allocate the one hundred five  
10 megawatts based upon each utility's percentage of the total  
11 Iowa retail peak demand, for the year beginning January 1,  
12 1990, of all utilities subject to this section. Twenty-five  
13 percent of an electric utility's share as determined and  
14 allocated pursuant to this paragraph shall be derived through  
15 the ownership of, or purchase of alternate energy from, a  
16 solar energy facility. If a utility undergoes reorganization  
17 as defined in section 476.76, the board shall combine the  
18 allocated purchases of power for each utility involved in the  
19 reorganization.  
20 b. Notwithstanding the one hundred five megawatt maximum,  
21 the board may increase the amount of power that a utility  
22 is required to own or purchase at the rates established  
23 pursuant to section 476.43 if the board finds that a utility,  
24 including a reorganized utility, exceeds its 1990 Iowa  
25 retail peak demand by twenty percent and the additional  
26 power the utility is required to purchase will encourage the  
27 development of alternate energy production facilities and  
28 small hydro facilities. The increase shall not exceed the  
29 utility's increase in peak demand multiplied by the ratio of  
30 the utility's share of the one hundred five megawatt maximum  
31 to its 1990 Iowa retail peak demand. If the board increases  
32 the amount of power a utility is required to own or purchase  
33 pursuant to this paragraph, the twenty-five percent solar  
34 energy ownership or purchase requirement specified in paragraph  
35 "a" shall be applicable to the increased amount.



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1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

4 This bill relates to alternate energy purchase requirements  
5 imposed upon electric utilities by the Iowa utilities board.  
6 Currently, electric utilities are required to own alternate  
7 energy production facilities or small hydro facilities located  
8 in Iowa, or to enter into long-term contracts to purchase or  
9 wheel electricity from such facilities. Alternate energy  
10 production facilities are defined in Code section 476.42  
11 to include solar, wind turbine, waste management, resource  
12 recovery, refuse-derived fuel, agricultural crops or residues,  
13 or woodburning facilities.

14 There is a limitation on the amount of electricity required  
15 to be produced by a facility which is owned by an electric  
16 utility, or purchased or wheeled from an alternate energy  
17 production facility or small hydro facility. An electric  
18 utility is not required to own or purchase, at any one time,  
19 more than its share of 105 megawatts of power from alternate  
20 energy production facilities or small hydro facilities. The  
21 bill provides that 25 percent of an electric utility's share  
22 shall be derived through the ownership of, or purchase of  
23 alternate energy from, a solar energy facility, and that if  
24 the board increases the amount of power a utility is required  
25 to own or purchase, the 25 percent solar energy ownership or  
26 purchase requirement shall be applicable to the increased  
27 amount.



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House File 2167 - Introduced

HOUSE FILE 2167  
BY MASCHER

A BILL FOR

1 An Act relating to the maintenance and administration of  
2 epinephrine in schools and certain other facilities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5410HH (3) 85  
je/nh



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1     Section 1. NEW SECTION. 135.185 **Epinephrine auto-injector**  
2 **supply.**  
3     1. For purposes of this section, unless the context  
4 otherwise requires:  
5     *a. "Epinephrine auto-injector" means the same as provided*  
6 *in section 280.16.*  
7     *b. "Facility" means a food establishment as defined in*  
8 *section 137F.1, a carnival as defined in section 88A.1, a*  
9 *recreational camp, a youth sports facility, or a sports area.*  
10    *c. "Personnel authorized to administer epinephrine" means an*  
11 *employee of a facility trained and authorized to administer an*  
12 *epinephrine auto-injector.*  
13    *d. "Physician" means the same as provided in section 280.16.*  
14    2. Notwithstanding any other provision of law to the  
15 contrary, a physician may prescribe epinephrine auto-injectors  
16 in the name of a facility to be maintained for use as provided  
17 in this section.  
18    3. A facility may obtain a prescription for epinephrine  
19 auto-injectors and maintain a supply of such auto-injectors in  
20 a secure location at each location where a member of the public  
21 may be present for use as provided in this section. A facility  
22 that obtains such a prescription shall replace epinephrine  
23 auto-injectors in the supply upon use or expiration. Personnel  
24 authorized to administer epinephrine may possess and administer  
25 epinephrine auto-injectors from the supply as provided in this  
26 section.  
27    4. Personnel authorized to administer epinephrine may  
28 provide or administer an epinephrine auto-injector from the  
29 facility's supply to an individual present at the facility  
30 if such personnel reasonably and in good faith believe the  
31 individual is having an anaphylactic reaction.  
32    5. Any personnel authorized to administer epinephrine  
33 who provide, administer, or assist in the administration of  
34 an epinephrine auto-injector to an individual present at the  
35 facility who such personnel reasonably and in good faith

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1 believe to be having an anaphylactic reaction; a facility  
2 employing the personnel; the owner or operator of the facility;  
3 or the prescriber of the epinephrine auto-injector, shall  
4 incur no liability, except for gross negligence, as a result  
5 of any injury arising from the provision, administration,  
6 or assistance in the administration of an epinephrine  
7 auto-injector as provided in this section.

8 6. The department of public health, the board of medicine,  
9 and the board of pharmacy shall adopt rules to implement and  
10 administer this section, including but not limited to standards  
11 and procedures for the prescription, distribution, storage,  
12 replacement, and administration of epinephrine auto-injectors,  
13 and for training and authorization to be required for personnel  
14 authorized to administer epinephrine.

15 Sec. 2. Section 280.16, Code 2014, is amended to read as  
16 follows:

17 280.16 Self-administration of ~~asthma or other airway~~  
18 ~~constricting disease medication~~ certain medications.

19 1. *Definitions.* For purposes of this section:

20 a. "Epinephrine auto-injector" means a medical device for  
21 immediate self-administration of a measured dose of epinephrine  
22 by a person at risk of anaphylaxis.

23 a- b. "Medication" means a drug that meets the definition  
24 provided in section 126.2, subsection 8, has an individual  
25 prescription label, is prescribed by a physician for a  
26 student, and pertains to the student's asthma or other airway  
27 constricting disease.

28 b- c. "Physician" means a person licensed under chapter  
29 148, or a physician's assistant, advanced registered nurse  
30 practitioner, or other person licensed or registered to  
31 distribute or dispense a prescription drug or device in the  
32 course of professional practice in this state in accordance  
33 with section 147.107, or a person licensed by another state  
34 in a health field in which, under Iowa law, licensees in this  
35 state may legally prescribe drugs.

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1     ~~e.~~ d. "Self-administration" means a student's discretionary  
2 use of medication prescribed by a physician for the student.  
3     2. The board of directors of a school district and the  
4 authorities in charge of an accredited nonpublic school shall  
5 permit the self-administration of medication by a student  
6 with asthma or other airway constricting disease or the use  
7 of an epinephrine auto-injector by a student if the following  
8 conditions are met:  
9     a. The student's parent or guardian provides to the school  
10 written authorization for the self-administration of medication  
11 or for the use of an epinephrine auto-injector.  
12     b. The student's parent or guardian provides to the school  
13 a written statement from the student's physician containing the  
14 following information:  
15         (1) The name and purpose of the medication or epinephrine  
16 auto-injector.  
17         (2) The prescribed dosage.  
18         (3) The times at which or the special circumstances under  
19 which the medication or epinephrine auto-injector is to be  
20 administered.  
21     c. The parent or guardian and the school meet the  
22 requirements of subsection 3.  
23     3. The school district or accredited nonpublic school  
24 shall notify the parent or guardian of the student, in  
25 writing, that the school district or accredited nonpublic  
26 school and its employees are to incur no liability, except  
27 for gross negligence, as a result of any injury arising from  
28 self-administration of medication or use of an epinephrine  
29 auto-injector by the student. The parent or guardian of the  
30 student shall sign a statement acknowledging that the school  
31 district or nonpublic school is to incur no liability, except  
32 for gross negligence, as a result of self-administration of  
33 medication or use of an epinephrine auto-injector by the  
34 student. A school district or accredited nonpublic school  
35 and its employees acting reasonably and in good faith shall

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1 incur no liability for any improper use of medication or an  
2 epinephrine auto-injector as defined in this section or for  
3 supervising, monitoring, or interfering with a student's  
4 self-administration of medication or use of an epinephrine  
5 auto-injector as defined in this section.

6 4. The permission for self-administration of medication  
7 or use of an epinephrine auto-injector is effective for the  
8 school year for which it is granted and shall be renewed each  
9 subsequent school year upon fulfillment of the requirements  
10 of this section. However, the parent or guardian shall  
11 immediately notify the school of any changes in the conditions  
12 listed under subsection 2.

13 5. Provided that the requirements of this section are  
14 fulfilled, a student with asthma or other airway constricting  
15 disease may possess and use the student's medication and a  
16 student with a written statement from a physician on file  
17 pursuant to subsection 2, paragraph "a" may use an epinephrine  
18 auto-injector while in school, at school-sponsored activities,  
19 under the supervision of school personnel, and before or after  
20 normal school activities, such as while in before-school or  
21 after-school care on school-operated property. If the student  
22 misuses this privilege, the privilege may be withdrawn. A  
23 school district or nonpublic school shall notify a student's  
24 parent or guardian before withdrawing the privilege to use an  
25 epinephrine auto-injector.

26 6. Information provided to the school under subsection 2  
27 shall be kept on file in the office of the school nurse or, in  
28 the absence of a school nurse, the school's administrator.

29 7. The Iowa braille and sight saving school, the state  
30 school for the deaf, and the institutions under the control of  
31 the department of human services as provided in section 218.1  
32 are exempt from the provisions of this section.

33 Sec. 3. NEW SECTION. **280.16A Epinephrine auto-injector**  
34 **supply.**

35 1. For purposes of this section, unless the context

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1 otherwise requires:

2     *a. "Epinephrine auto-injector"* means the same as provided  
3 in section 280.16.

4     *b. "Personnel authorized to administer epinephrine"*  
5 means a school nurse or other employee of a school district  
6 or accredited nonpublic school trained and authorized to  
7 administer an epinephrine auto-injector.

8     *c. "Physician"* means the same as provided in section 280.16.

9     2. Notwithstanding any other provision of law to the  
10 contrary, a physician may prescribe epinephrine auto-injectors  
11 in the name of a school district or accredited nonpublic school  
12 to be maintained for use as provided in this section.

13     3. The board of directors in charge of each school district  
14 and the authorities in charge of each accredited nonpublic  
15 school may obtain a prescription for epinephrine auto-injectors  
16 and maintain a supply of such auto-injectors in a secure  
17 location at each school for use as provided in this section.  
18 The board and the authorities shall replace epinephrine  
19 auto-injectors in the supply upon use or expiration. Personnel  
20 authorized to administer epinephrine may possess and administer  
21 epinephrine auto-injectors from the supply as provided in this  
22 section.

23     4. Personnel authorized to administer epinephrine may  
24 provide or administer an epinephrine auto-injector from the  
25 school's supply to a student if such personnel reasonably and  
26 in good faith believe the student is having an anaphylactic  
27 reaction.

28     5. Any personnel authorized to administer epinephrine  
29 who provide, administer, or assist in the administration  
30 of an epinephrine auto-injector to a student who such  
31 personnel reasonably and in good faith believe to be having  
32 an anaphylactic reaction; a school district or accredited  
33 nonpublic school employing the personnel; the board of  
34 directors in charge of the school district or authorities in  
35 charge of the accredited nonpublic school; or the prescriber

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1 of the epinephrine auto-injector, shall incur no liability,  
2 except for gross negligence, as a result of any injury arising  
3 from the provision, administration, or assistance in the  
4 administration of an epinephrine auto-injector as provided in  
5 this section.

6 6. The department of education, the board of medicine,  
7 and the board of pharmacy shall adopt rules to implement and  
8 administer this section, including but not limited to standards  
9 and procedures for the prescription, distribution, storage,  
10 replacement, and administration of epinephrine auto-injectors,  
11 and for training and authorization to be required for personnel  
12 authorized to administer epinephrine.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill permits the board of directors in charge of  
17 each school district and the authorities in charge of an  
18 accredited nonpublic school to maintain in a secure location  
19 at each school a supply of epinephrine auto-injectors for  
20 use as provided in the bill. The bill requires the board  
21 and authorities to replace epinephrine auto-injectors in the  
22 supply upon use or expiration. The bill permits the board  
23 and authorities to obtain a prescription for epinephrine  
24 auto-injectors for use as provided in the bill. The bill  
25 permits personnel authorized to administer epinephrine to  
26 possess and administer epinephrine auto-injectors from the  
27 supply as provided in the bill. The bill permits a physician  
28 to prescribe epinephrine auto-injectors in the name of a school  
29 district or accredited nonpublic school to be maintained  
30 for use as provided in the bill, notwithstanding any other  
31 provision of law to the contrary.

32 The bill permits personnel authorized to administer  
33 epinephrine to provide or administer an epinephrine  
34 auto-injector from a school's supply to a student if such  
35 personnel reasonably and in good faith believe the student is

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1 having an anaphylactic reaction.

2 The bill provides immunity from legal liability, except for  
3 gross negligence, to any personnel authorized to administer  
4 epinephrine who provide, administer, or assist in the  
5 administration of an epinephrine auto-injector to a student  
6 who such personnel reasonably and in good faith believe to  
7 be having an anaphylactic reaction; a school district or  
8 accredited nonpublic school employing the personnel; the board  
9 of directors in charge of the school district or authorities in  
10 charge of the accredited nonpublic school; or the prescriber of  
11 the epinephrine auto-injector, for any injury arising from the  
12 provision, administration, or assistance in the administration  
13 of an epinephrine auto-injector as provided in the bill.

14 The bill defines "epinephrine auto-injector" as a medical  
15 device for immediate self-administration of a measured dose  
16 of epinephrine by a person at risk of anaphylaxis. The bill  
17 defines "personnel authorized to administer epinephrine" as an  
18 employee trained and authorized to administer an epinephrine  
19 auto-injector.

20 The bill permits certain facilities to maintain a supply of  
21 epinephrine auto-injectors in the same fashion at locations  
22 where members of the public may be present, with the same  
23 duties, powers, and immunities relating to maintaining a  
24 supply of epinephrine auto-injectors and administering the  
25 auto-injectors applying if the facility chooses to do so. The  
26 bill defines "facility" as a food establishment as defined in  
27 Code section 137F.1, a carnival as defined in Code section  
28 88A.1, a recreational camp, a youth sports facility, or a  
29 sports area.

30 The bill requires the department of education, the  
31 department of public health, the board of medicine, and the  
32 board of pharmacy to adopt rules to implement and administer  
33 the bill, including but not limited to standards and procedures  
34 for the prescription, distribution, storage, replacement, and  
35 administration of epinephrine auto-injectors, and for training

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1 and authorization to be required for personnel authorized to  
2 administer epinephrine auto-injectors.

3 The bill also adds epinephrine auto-injectors to Code  
4 section 280.16, which permits self-administration of medication  
5 in public and nonpublic schools by students with asthma.

6 The bill requires school districts and nonpublic schools  
7 to allow the use of an epinephrine auto-injector by a student  
8 with a written statement from a physician on file if the school  
9 receives written authorization and certain medical information  
10 from the student's parent or guardian.

11 The bill permits a student with a written statement  
12 from a physician on file to possess and use an epinephrine  
13 auto-injector while in school, at school-sponsored activities,  
14 under the supervision of school personnel, and before or after  
15 normal school activities, such as while in before-school or  
16 after-school care on school-operated property. The bill  
17 requires a school district or nonpublic school to notify a  
18 student's parent or guardian before withdrawing the privilege  
19 to use an epinephrine auto-injector.

20 The bill adds epinephrine auto-injectors to the provisions  
21 of Code section 280.16 granting immunity from legal liability  
22 to school employees, except for gross negligence, for injuries  
23 resulting from the self-administration of medication. Code  
24 section 280.16 requires a student's parent or guardian to  
25 receive notice of such immunity.



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House File 2168 - Introduced

HOUSE FILE 2168  
BY MASCHER

A BILL FOR

1 An Act establishing minimum nurse-to-patient ratios for  
2 hospitals.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1     Section 1. **NEW SECTION. 135B.35 Nurse-to-patient ratios.**  
2     1. A hospital shall assign a direct care nurse to no more  
3     than the following number of patients in the specified units  
4     at all times during each shift:  
5     a. One patient in a trauma or perioperative unit.  
6     b. Two patients in a critical care unit.  
7     c. Three patients in an emergency room unit.  
8     d. Four patients in a medical-surgical unit.  
9     e. Five patients in a rehabilitation unit.  
10    f. Six patients in a well-baby nursery unit.  
11    2. A "*direct care nurse*" for purposes of this section  
12    includes a licensed practical nurse or registered nurse  
13    licensed pursuant to chapter 152 or 152E. Licensed practical  
14    nurses may constitute fifty percent or less of the direct care  
15    nurses assigned to patient care on any unit, except where  
16    registered nurses are required. Only registered nurses shall  
17    be assigned to triage patients in emergency room units or to  
18    critical trauma patients.  
19    3. A hospital shall not average the number of patients and  
20    the total number of direct care nurses assigned to patients in  
21    a hospital unit during any one shift or over any period of time  
22    for purposes of meeting the requirements under this section.  
23    4. The requirements established in this section shall not  
24    apply during a state of emergency if a hospital is requested or  
25    expected to provide an exceptional level of emergency or other  
26    medical services.  
27    5. The requirements established in this section do not apply  
28    to entities designated as critical access hospitals pursuant  
29    to 42 U.S.C. §1395i-4. The direct care nurse-to-patient ratio  
30    at a critical access hospital shall follow the standards set  
31    in this section as is reasonable based on the hospital's needs  
32    and capabilities.  
33    6. The department of inspections and appeals shall adopt  
34    rules to administer this section.

35

EXPLANATION

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1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3       This bill establishes minimum direct care nurse-to-patient  
4 ratios for specific units within a hospital. The bill provides  
5 that direct care nurses include registered nurses and licensed  
6 practical nurses, but licensed practical nurses can only  
7 account for 50 percent of the direct care nurses assigned in  
8 a unit.

9       The bill contains exceptions for emergencies and critical  
10 access hospitals. The bill directs the department of  
11 inspections and appeals to adopt rules to administer the bill.  
12 The department of inspections and appeals may deny, suspend, or  
13 revoke a license if a hospital substantially fails to comply  
14 with the minimum standards adopted in the bill.



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House File 2169 - Introduced

HOUSE FILE 2169  
BY MASCHER and HEDDENS

A BILL FOR

1 An Act creating the Iowa uniform power of attorney Act and  
2 providing penalties and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 144A.7, subsection 1, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. The attorney in fact designated to make treatment  
4 decisions for the patient should such person be diagnosed as  
5 suffering from a terminal condition, if the designation is in  
6 writing and complies with chapter 144B ~~or section 633B.1.~~

7 Sec. 2. Section 231E.3, subsection 15, Code 2014, is amended  
8 to read as follows:

9 15. "Power of attorney" means a durable power of attorney  
10 for health care as defined in section 144B.1 or a power of  
11 attorney ~~that becomes effective upon the disability of the~~  
12 ~~principal as described in section 633B.1~~ executed pursuant to  
13 chapter 633B.

14 Sec. 3. NEW SECTION. 633B.101 Title.

15 This chapter shall be known and may be cited as the "Iowa  
16 Uniform Power of Attorney Act".

17 Sec. 4. NEW SECTION. 633B.102 Definitions.

18 1. "Agent" means a person granted authority to act for a  
19 principal under a power of attorney, whether denominated an  
20 agent, attorney in fact, or otherwise. The term includes an  
21 original agent, coagent, successor agent, and a person to which  
22 an agent's authority is delegated.

23 2. "Conservator" or "conservatorship" means a conservator  
24 appointed or conservatorship established pursuant to sections  
25 633.570 and 633.572 or a similar provision of the laws of  
26 another state.

27 3. "Durable", with respect to a power of attorney, means not  
28 terminated by the principal's incapacity.

29 4. "Electronic" means relating to technology having  
30 electrical, digital, magnetic, wireless, optical,  
31 electromagnetic, or similar capabilities.

32 5. "Good faith" means honesty in fact.

33 6. "Guardian" or "guardianship" means a guardian appointed  
34 or a guardianship established pursuant to sections 633.556 and  
35 633.560 or a similar provision of the laws of another state.

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- 1     7. *"Incapacity"* means the inability of an individual to  
2 manage property or business affairs because the individual is  
3 any of the following:  
4     a. An individual whose decision-making capacity is so  
5 impaired that the individual is unable to make, communicate,  
6 or carry out important decisions concerning the individual's  
7 financial affairs.  
8     b. Missing.  
9     c. Detained, including but not limited to an individual  
10 incarcerated in a penal system.  
11     d. Outside the United States and unable to return.  
12     8. *"Person"* means an individual, corporation, business  
13 trust, estate, trust, partnership, limited liability company,  
14 association, joint venture, public corporation, government or  
15 governmental subdivision, agency, or instrumentality, or any  
16 other legal or commercial entity.  
17     9. *"Power of attorney"* means a writing or other record  
18 that grants authority to an agent to act in the place of the  
19 principal, whether or not the term "power of attorney" is used.  
20     10. *"Presently exercisable general power of appointment"*,  
21 with respect to property or a property interest subject to  
22 a power of appointment, means power exercisable at the time  
23 in question to vest absolute ownership in the principal  
24 individually, the principal's estate, the principal's  
25 creditors, or the creditors of the principal's estate. The  
26 term includes a power of appointment not exercisable until  
27 the occurrence of a specified event, the satisfaction of an  
28 ascertainable standard, or the passage of a specified period  
29 of time only after the occurrence of the specified event, the  
30 satisfaction of the ascertainable standard, or the passage of  
31 the specified period of time. The term does not include a  
32 power exercisable in a fiduciary capacity or only by will.  
33     11. *"Principal"* means an individual who grants authority to  
34 an agent in a power of attorney.  
35     12. *"Property"* means anything that may be the subject of

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1 ownership, whether real or personal, or legal or equitable, or  
2 any interest or right therein.

3 13. "*Record*" means information that is inscribed on a  
4 tangible medium or that is stored in an electronic or other  
5 medium and is retrievable in perceivable form.

6 14. "*Sign*" means, with present intent to authenticate or  
7 adopt a record, to do any of the following:

8 a. Execute or adopt a tangible symbol.

9 b. Attach to or logically associate with the record an  
10 electronic sound, symbol, or process.

11 15. "*State*" means a state of the United States, the District  
12 of Columbia, Puerto Rico, the United States Virgin Islands, or  
13 any territory or insular possession subject to the jurisdiction  
14 of the United States.

15 16. "*Stocks and bonds*" means stocks, bonds, mutual funds,  
16 and all other types of securities and financial instruments,  
17 whether held directly, indirectly, or in any other manner. The  
18 term does not include commodity futures contracts and call or  
19 put options on stocks or stock indexes.

20 Sec. 5. NEW SECTION. 633B.103 **Applicability.**

21 This chapter applies to all powers of attorney except for the  
22 following:

23 1. A power to the extent it is coupled with an interest  
24 of the agent in the subject of the power, including but not  
25 limited to a power given to or for the benefit of a creditor in  
26 connection with a credit transaction.

27 2. A power to make health care decisions.

28 3. A proxy or other delegation to exercise voting rights or  
29 management rights with respect to an entity.

30 4. A power created on a form prescribed by a government  
31 or governmental subdivision, agency, or instrumentality for a  
32 governmental purpose.

33 Sec. 6. NEW SECTION. 633B.104 **Durability of power of**  
34 **attorney.**

35 A power of attorney created under this chapter is durable

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1 unless the power of attorney expressly provides that it is  
2 terminated by the incapacity of the principal.

3 Sec. 7. NEW SECTION. 633B.105 **Execution.**

4 A power of attorney must be signed by the principal or in  
5 the principal's conscious presence by another individual, other  
6 than any prospective agent, directed by the principal to sign  
7 the principal's name on the power of attorney. A power of  
8 attorney must be acknowledged before a notary public or other  
9 individual authorized by law to take acknowledgments. An  
10 agent named in the power of attorney shall not notarize the  
11 principal's signature. An acknowledged signature on a power of  
12 attorney is presumed to be genuine.

13 Sec. 8. NEW SECTION. 633B.106 **Validity.**

14 1. A power of attorney executed in this state on or  
15 after July 1, 2014, is valid if the execution of the power of  
16 attorney complies with section 633B.105.

17 2. A power of attorney executed in this state before July  
18 1, 2014, is valid if the execution of the power of attorney  
19 complied with the law of this state as it existed at the time  
20 of execution.

21 3. A power of attorney executed other than in this state  
22 is valid in this state if, when the power of attorney was  
23 executed, the execution complied with any of the following:

24 a. The law of the jurisdiction that determines the meaning  
25 and effect of the power of attorney pursuant to section  
26 633B.107.

27 b. The requirements for a military power of attorney  
28 pursuant to 10 U.S.C. §1044b, as amended.

29 4. Except as otherwise provided by law, a photocopy or  
30 electronically transmitted copy of an original power of  
31 attorney has the same effect as the original.

32 Sec. 9. NEW SECTION. 633B.107 **Meaning and effect.**

33 The meaning and effect of a power of attorney is determined  
34 by the law of the jurisdiction indicated in the power of  
35 attorney and, in the absence of an indication of jurisdiction,

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1 by the law of the jurisdiction in which the power of attorney  
2 was executed.

3 Sec. 10. NEW SECTION. 633B.108 **Nomination of conservator or**  
4 **guardian — relation of agent to court-appointed fiduciary.**

5 1. Under a power of attorney, a principal may nominate  
6 a conservator of the principal's estate or guardian of  
7 the principal's person for consideration by the court if  
8 proceedings for the principal's estate or person are begun  
9 after the principal executes the power of attorney. Except  
10 for good cause shown or disqualification, the court shall make  
11 its appointment in accordance with the principal's most recent  
12 nomination. This section does not prohibit an individual  
13 from executing a petition for the voluntary appointment of a  
14 guardian or conservator on a standby basis pursuant to sections  
15 633.560 and 633.591.

16 2. If, after a principal executes a power of attorney,  
17 a court appoints a conservator of the principal's estate or  
18 other fiduciary charged with the management of some or all of  
19 the principal's property, the power of attorney is suspended  
20 unless the power of attorney provides otherwise or unless the  
21 court appointing the conservator decides the power of attorney  
22 should continue. If the power of attorney continues, the agent  
23 is accountable to the fiduciary as well as to the principal.  
24 The power of attorney shall be reinstated upon termination of  
25 the conservatorship as a result of the principal regaining  
26 capacity.

27 Sec. 11. NEW SECTION. 633B.109 **When power of attorney**  
28 **effective.**

29 1. A power of attorney is effective when executed unless  
30 the principal provides in the power of attorney that it becomes  
31 effective at a future date or upon the occurrence of a future  
32 event or contingency.

33 2. If a power of attorney becomes effective upon the  
34 occurrence of a future event or contingency, the principal,  
35 in the power of attorney, may authorize one or more persons

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1 to determine in a writing or other record that the event or  
2 contingency has occurred.

3 3. If a power of attorney becomes effective upon the  
4 principal's incapacity and the principal has not authorized  
5 a person to determine whether the principal is incapacitated  
6 or the person authorized is unable or unwilling to make the  
7 determination, the power of attorney becomes effective upon a  
8 determination in a writing or other record by the occurrence  
9 of any of the following:

10 a. A licensed physician or licensed psychologist determines  
11 that the principal is incapacitated.

12 b. A licensed attorney at law, a judge, or an appropriate  
13 governmental official determines that the principal is  
14 incapacitated.

15 4. A person authorized by the principal in the power of  
16 attorney to determine that the principal is incapacitated may  
17 act as the principal's personal representative pursuant to the  
18 federal Health Insurance Portability and Accountability Act of  
19 1996, Pub. L. No. 104-191, including amendments thereto and  
20 regulations promulgated thereunder, to obtain access to the  
21 principal's health care information and to communicate with the  
22 principal's health care provider.

23 Sec. 12. NEW SECTION. 633B.110 Termination — power of  
24 attorney or agent authority.

25 1. A power of attorney terminates when any of the following  
26 occur:

27 a. The principal dies.

28 b. The principal becomes incapacitated, if the power of  
29 attorney is not durable.

30 c. The principal revokes the power of attorney.

31 d. The power of attorney provides that it terminates.

32 e. The purpose of the power of attorney is accomplished.

33 f. The principal revokes the agent's authority or the agent  
34 dies, becomes incapacitated, or resigns, and the power of  
35 attorney does not provide for another agent to act under the

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1 power of attorney.

2 2. An agent's authority terminates when any of the following  
3 occur:

4 a. The principal revokes the authority.

5 b. The agent dies, becomes incapacitated, or resigns.

6 c. An action is filed for the dissolution or annulment  
7 of the agent's marriage to the principal or for their legal  
8 separation, unless the power of attorney otherwise provides.

9 d. The power of attorney terminates.

10 3. Unless the power of attorney otherwise provides, an  
11 agent's authority is exercisable until the agent's authority  
12 terminates under subsection 2, notwithstanding a lapse of time  
13 since the execution of the power of attorney.

14 4. Termination of a power of attorney or an agent's  
15 authority under this section is not effective as to the  
16 agent or another person that, without actual knowledge of the  
17 termination, acts in good faith under the power of attorney.  
18 An act so performed, unless otherwise invalid or unenforceable,  
19 binds the principal and the principal's successors in interest.

20 5. Incapacity of the principal of a power of attorney  
21 that is not durable does not revoke or terminate the power of  
22 attorney as to an agent or other person that, without actual  
23 knowledge of the incapacity, acts in good faith under the power  
24 of attorney. An act so performed, unless otherwise invalid  
25 or unenforceable, binds the principal and the principal's  
26 successors in interest.

27 6. Except as provided in section 633B.103, the execution of  
28 a general or plenary power of attorney revokes all general or  
29 plenary powers of attorney previously executed in this state by  
30 the principal, but does not revoke a power of attorney limited  
31 to a specific and identifiable action or transaction, which  
32 action or transaction is still capable of performance but has  
33 not yet been fully accomplished by the agent.

34 Sec. 13. NEW SECTION. 633B.111 Coagents and successor  
35 agents.



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1 1. A principal may designate two or more persons to act as  
2 coagents. Unless the power of attorney otherwise provides, all  
3 of the following apply to actions of coagents:

4 a. A power held by coagents shall be exercised by majority  
5 action.

6 b. If impasse occurs due to the failure to reach a majority  
7 decision, any agent may petition the court to decide the issue,  
8 or a majority of the agents may consent to an alternative form  
9 of dispute resolution.

10 c. If one or more agents resigns or becomes unable to act,  
11 the remaining coagents may act.

12 d. If a coagent is unavailable to perform duties because of  
13 absence, illness, or other temporary inability to perform, the  
14 remaining agents may exercise their authority as if they were  
15 the only agents.

16 2. A principal may designate one or more successor agents  
17 to act if an agent resigns, dies, becomes incapacitated, is  
18 not qualified to serve, or declines to serve. A principal may  
19 grant authority to designate one or more successor agents to an  
20 agent or other person designated by name, office, or function.  
21 Unless the power of attorney otherwise provides, a successor  
22 agent:

23 a. Has the same authority as that granted to the original  
24 agent.

25 b. Shall not act until all predecessor agents have resigned,  
26 died, become incapacitated, are no longer qualified to serve,  
27 or have declined to serve.

28 3. Except as otherwise provided in the power of attorney  
29 and subsection 4, an agent that does not participate in or  
30 conceal a breach of fiduciary duty committed by another agent,  
31 including a predecessor agent, is not liable for the actions  
32 of the other agent.

33 4. An agent with actual knowledge of a breach or imminent  
34 breach of fiduciary duty by another agent shall notify the  
35 principal and, if the principal is incapacitated, take any



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1 action reasonably appropriate in the circumstances to safeguard  
2 the principal's best interest. An agent that fails to notify  
3 the principal or take action as required by this subsection is  
4 liable for the reasonably foreseeable damages that could have  
5 been avoided if the agent had notified the principal or taken  
6 such action.

7 Sec. 14. NEW SECTION. 633B.112 Reimbursement and  
8 compensation of agent.

9 Unless the power of attorney otherwise provides, an  
10 agent who is an individual is entitled to reimbursement of  
11 expenses reasonably incurred on behalf of the principal but  
12 not to compensation. If a power of attorney does provide  
13 for compensation or if the agent is a bank or trust company  
14 authorized to administer trusts in Iowa, the compensation must  
15 be reasonable under the circumstances.

16 Sec. 15. NEW SECTION. 633B.113 Agent's acceptance.

17 Except as otherwise provided in the power of attorney,  
18 a person accepts appointment as an agent under a power of  
19 attorney by exercising authority or performing duties as  
20 an agent or by any other assertion or conduct indicating  
21 acceptance.

22 Sec. 16. NEW SECTION. 633B.114 Agent's duties.

23 1. Notwithstanding provisions in the power of attorney, an  
24 agent that has accepted appointment shall act in conformity  
25 with all of the following:

26 a. In accordance with the principal's reasonable  
27 expectations to the extent actually known by the agent and  
28 otherwise in the principal's best interest.

29 b. In good faith.

30 c. Only within the scope of authority granted in the power  
31 of attorney.

32 2. Except as otherwise provided in the power of attorney,  
33 an agent that has accepted appointment shall do all of the  
34 following:

35 a. Act loyally for the principal's benefit.

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- 1     *b.* Act so as not to create a conflict of interest that  
2 impairs the agent's ability to act impartially in the  
3 principal's best interest.
- 4     *c.* Act with the care, competence, and diligence ordinarily  
5 exercised by agents in similar circumstances.
- 6     *d.* Keep a record of all receipts, disbursements, and  
7 transactions made on behalf of the principal.
- 8     *e.* Cooperate with a person that has authority to make health  
9 care decisions for the principal to carry out the principal's  
10 reasonable expectations to the extent actually known by the  
11 agent and, otherwise, act in the principal's best interest.
- 12    *f.* Attempt to preserve the principal's estate plan, to the  
13 extent actually known by the agent, if preserving the plan is  
14 consistent with the principal's best interest based upon all  
15 relevant factors, including all of the following:
- 16       (1) The value and nature of the principal's property.
- 17       (2) The principal's foreseeable obligations and need for  
18 maintenance.
- 19       (3) Minimization of the principal's taxes, including  
20 income, estate, inheritance, generation-skipping transfer, and  
21 gift taxes.
- 22       (4) The principal's eligibility for a benefit, a program, or  
23 assistance under a statute or regulation or contract.
- 24    3. An agent that acts in good faith is not liable to any  
25 beneficiary under the principal's estate plan for failure to  
26 preserve the plan.
- 27    4. An agent that acts with care, competence, and diligence  
28 for the best interest of the principal is not liable solely  
29 because the agent also benefits from the act or has an  
30 individual or conflicting interest in relation to the property  
31 or affairs of the principal.
- 32    5. If an agent is selected by the principal because of  
33 special skills or expertise possessed by the agent or in  
34 reliance on the agent's representation that the agent has  
35 special skills or expertise, the special skills or expertise

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1 shall be considered in determining whether the agent has acted  
2 with care, competence, and diligence under the circumstances.

3 6. Absent a breach of duty to the principal, an agent is not  
4 liable if the value of the principal's property declines.

5 7. An agent that exercises authority to delegate to another  
6 person the authority granted by the principal or that engages  
7 another person on behalf of the principal is not liable for an  
8 act, error of judgment, or default of that person if the agent  
9 exercises care, competence, and diligence in selecting and  
10 monitoring the person.

11 8. Except as otherwise provided in the power of attorney,  
12 an agent is not required to disclose receipts, disbursements,  
13 or transactions conducted on behalf of the principal unless  
14 ordered by a court or requested by the principal, a guardian,  
15 a conservator, another fiduciary acting for the principal, a  
16 governmental agency having authority to protect the welfare  
17 of the principal, or, upon the death of the principal, by the  
18 personal representative or a successor in interest of the  
19 principal's estate. If an agent receives a request to disclose  
20 such information, the agent shall comply with the request  
21 within thirty days of the request or provide a writing or other  
22 record substantiating why additional time is necessary. Such  
23 additional time shall not exceed thirty days.

24 Sec. 17. NEW SECTION. 633B.115 **Exoneration of agent.**

25 A provision in a power of attorney relieving an agent of  
26 liability for breach of duty is binding on the principal and  
27 the principal's successors in interest except to the extent the  
28 provision does any of the following:

29 1. Relieves the agent of liability for a breach of duty  
30 committed dishonestly, with an improper motive, or with  
31 reckless indifference to the purposes of the power of attorney  
32 or the best interest of the principal.

33 2. Was included in the power of attorney as a result of  
34 an abuse of a confidential or fiduciary relationship with the  
35 principal.

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1     Sec. 18. NEW SECTION.   **633B.116 Judicial relief.**  
2     1. The following persons may petition a court to construe a  
3 power of attorney or to review an agent's conduct:  
4     *a.* The principal or the agent.  
5     *b.* A guardian, conservator, or other fiduciary acting for  
6 the principal.  
7     *c.* A person authorized to make health care decisions for the  
8 principal.  
9     *d.* The principal's spouse, parent, or descendant or an  
10 individual who would qualify as a presumptive heir of the  
11 principal.  
12    *e.* A person named as a beneficiary to receive any property,  
13 benefit, or contractual right upon the principal's death or as  
14 a beneficiary of a trust created by or for the principal that  
15 has a financial interest in the principal's estate.  
16    *f.* A governmental agency having regulatory authority to  
17 protect the welfare of the principal.  
18    *g.* The principal's caregiver or another person that  
19 demonstrates sufficient interest in the principal's welfare.  
20    *h.* A person asked to accept the power of attorney.  
21    *i.* A person designated by the principal in the power of  
22 attorney.  
23    2. Upon motion to dismiss by the principal, the court shall  
24 dismiss a petition filed under this section unless the court  
25 finds that the principal lacks the capacity to revoke the  
26 agent's authority or the power of attorney.  
27    3. The costs of an action under this section shall be  
28 assessed against the principal or the principal's estate unless  
29 the court determines such costs and fees should be assessed  
30 against the petitioner or the agent for good cause shown.  
31    Sec. 19. NEW SECTION.   **633B.117 Agent's liability.**  
32    An agent that violates this chapter is liable to the  
33 principal or the principal's successors in interest for the  
34 amount required to do both of the following:  
35    1. Restore the value of the principal's property to what it

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1 would have been had the violation not occurred.

2 2. Reimburse the principal or the principal's successors  
3 in interest for attorney fees and costs paid on the agent's  
4 behalf.

5 Sec. 20. NEW SECTION. 633B.118 Agent's resignation —  
6 notice.

7 Unless the power of attorney provides for a different method  
8 for an agent's resignation, an agent may resign by giving  
9 notice to the principal and, if the principal is incapacitated,  
10 to any of the following:

11 1. The conservator or guardian, if a conservator or guardian  
12 has been appointed for the principal, and any coagent or  
13 successor agent.

14 2. If there is no conservator, guardian, or coagent or  
15 successor agent, the agent may give notice to any of the  
16 following:

17 a. The principal's caregiver.

18 b. Any other person reasonably believed by the agent to have  
19 sufficient interest in the principal's welfare.

20 c. A governmental agency having regulatory authority to  
21 protect the welfare of the principal.

22 Sec. 21. NEW SECTION. 633B.119 Acknowledged power of  
23 attorney — acceptance and reliance.

24 1. For purposes of this section and section 633B.120,  
25 "acknowledged" means purportedly verified before a notary public  
26 or other individual authorized by law to take acknowledgments.

27 2. A person that in good faith accepts an acknowledged power  
28 of attorney without actual knowledge that the signature is not  
29 genuine may rely upon the presumption under section 633B.105  
30 that the signature is genuine.

31 3. A person that in good faith accepts an acknowledged power  
32 of attorney without actual knowledge that the power of attorney  
33 is void, invalid, or terminated, that the purported agent's  
34 authority is void, invalid, or terminated, or that the agent is  
35 exceeding or improperly exercising the agent's authority may

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1 rely upon the power of attorney as if the power of attorney  
2 were genuine, valid, and still in effect, the agent's authority  
3 were genuine, valid, and still in effect, and the agent had not  
4 exceeded and had not improperly exercised the authority.

5 4. A person that is asked to accept an acknowledged power  
6 of attorney may request, and rely upon, all of the following  
7 without further investigation:

8 a. An agent's certification under penalty of perjury of any  
9 factual matter concerning the principal, agent, or power of  
10 attorney in substantially the same form as set out in section  
11 633B.302.

12 b. An English translation of the power of attorney if the  
13 power of attorney contains, in whole or in part, language other  
14 than English.

15 c. An opinion of agent's counsel as to any matter of law  
16 concerning the power of attorney if the person making the  
17 request provides the reason for the request in a writing or  
18 other record.

19 5. An English translation or an opinion of counsel requested  
20 under this section shall be provided at the principal's expense  
21 unless the request is made more than seven business days after  
22 the power of attorney is presented for acceptance.

23 6. For purposes of this section and section 633B.120, a  
24 person who conducts activities through an employee is without  
25 actual knowledge of a fact relating to a power of attorney,  
26 a principal, or an agent if the employee conducting the  
27 transaction involving the power of attorney is without actual  
28 knowledge of the fact.

29 Sec. 22. NEW SECTION. 633B.120 Refusal to accept  
30 acknowledged power of attorney — liability.

31 1. Except as otherwise provided in subsection 2, all of  
32 the following shall apply to a person's actions regarding an  
33 acknowledged power of attorney:

34 a. A person shall either accept an acknowledged power of  
35 attorney or request a certification, a translation, or an

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1 opinion of counsel under section 633B.119, subsection 4, no  
2 later than seven business days after presentation of the power  
3 of attorney for acceptance.

4     *b.* If a person requests a certification, a translation, or  
5 an opinion of counsel under section 633B.119, subsection 4, the  
6 person shall accept the power of attorney no later than five  
7 business days after receipt of the certification, translation,  
8 or opinion of counsel.

9     *c.* A person shall not require an additional or different  
10 form of power of attorney for authority granted in the power  
11 of attorney presented.

12     2. A person is not required to accept an acknowledged power  
13 of attorney if any of the following occur:

14     *a.* The person is not otherwise required to engage in a  
15 transaction with the principal in the same circumstances.

16     *b.* Engaging in a transaction with the agent or the principal  
17 in the same circumstances would be inconsistent with federal  
18 law.

19     *c.* The person has actual knowledge of the termination of the  
20 agent's authority or of the power of attorney before exercise  
21 of the power.

22     *d.* A request for a certification, a translation, or an  
23 opinion of counsel under section 633B.119, subsection 4, is  
24 refused.

25     *e.* The person in good faith believes that the power is  
26 not valid or that the agent does not have the authority to  
27 perform the act requested, whether or not a certification, a  
28 translation, or an opinion of counsel under section 633B.119,  
29 subsection 4, has been requested or provided.

30     *f.* The person makes, or has actual knowledge that another  
31 person has made, a report to the department of human services  
32 stating a good-faith belief that the principal may be subject  
33 to physical or financial abuse, neglect, exploitation, or  
34 abandonment by the agent or a person acting for or with the  
35 agent.



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1 3. A person that refuses to accept an acknowledged power of  
2 attorney in violation of this section is subject to both of the  
3 following:

4 a. A court order mandating acceptance of the power of  
5 attorney.

6 b. Liability for damages sustained by the principal for  
7 reasonable attorney fees and costs incurred in any action or  
8 proceeding that confirms the validity of the power of attorney  
9 or mandates acceptance of the power of attorney, provided that  
10 any such action must be brought within one year of the initial  
11 request for acceptance of the power of attorney.

12 Sec. 23. NEW SECTION. 633B.121 Principles of law and  
13 equity.

14 Unless displaced by a provision of this chapter, the  
15 principles of law and equity supplement this chapter.

16 Sec. 24. NEW SECTION. 633B.122 Laws applicable to financial  
17 institutions and entities.

18 This chapter does not supersede any other law applicable to  
19 financial institutions or other entities, and the other law  
20 controls if inconsistent with this chapter.

21 Sec. 25. NEW SECTION. 633B.123 Remedies under other law.

22 The remedies under this chapter are not exclusive and do not  
23 abrogate any right or remedy under the law of this state other  
24 than this chapter.

25 Sec. 26. NEW SECTION. 633B.201 Authority — specific and  
26 general.

27 1. An agent under a power of attorney may do any of the  
28 following on behalf of the principal or with the principal's  
29 property only if the power of attorney expressly grants the  
30 agent the authority and the exercise of the authority is not  
31 otherwise prohibited by another agreement or instrument to  
32 which the authority or property is subject:

33 a. Create, amend, revoke, or terminate an inter vivos trust.

34 b. Make a gift.

35 c. Create or change rights of survivorship.

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- 1     *d.* Create or change a beneficiary designation.
- 2     *e.* Delegate authority granted under the power of attorney.
- 3     *f.* Waive the principal's right to be a beneficiary of a  
4 joint and survivor annuity, including but not limited to a  
5 survivor benefit under a retirement plan.
- 6     *g.* Exercise fiduciary powers that the principal has  
7 authority to delegate.
- 8     *h.* Disclaim property, including but not limited to a power  
9 of appointment.
- 10    2. Notwithstanding a grant of authority to do an act  
11 described in subsection 1, unless the power of attorney  
12 otherwise provides, an agent that is not an ancestor, spouse,  
13 or descendant of the principal shall not exercise authority  
14 under a power of attorney to create in the agent, or in an  
15 individual to whom the agent owes a legal obligation of  
16 support, an interest in the principal's property, whether  
17 by gift, right of survivorship, beneficiary designation,  
18 disclaimer, or otherwise.
- 19    3. Subject to subsections 1, 2, 4, and 5, if a power  
20 of attorney grants an agent authority to do all acts that  
21 a principal could do, the agent has the general authority  
22 described in sections 633B.204 through 633B.216.
- 23    4. Unless the power of attorney otherwise provides, a grant  
24 of authority to make a gift is subject to section 633B.217.
- 25    5. Subject to subsections 1, 2, and 4, if the subjects over  
26 which authority is granted in a power of attorney are similar  
27 or overlap, the broadest authority controls.
- 28    6. Authority granted in a power of attorney is exercisable  
29 with respect to property that the principal has when the power  
30 of attorney is executed or acquires later, whether or not  
31 the property is located in this state and whether or not the  
32 authority is exercised or the power of attorney is executed in  
33 this state.
- 34    7. An act performed by an agent pursuant to a power of  
35 attorney has the same effect and inures to the benefit of and

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1 binds the principal and the principal's successors in interest  
2 as if the principal had performed the act.

3 Sec. 27. NEW SECTION. 633B.202 Incorporation of authority.

4 1. An agent has authority described in this chapter if the  
5 power of attorney refers to general authority with respect  
6 to the descriptive term for the subjects stated in sections  
7 633B.204 through 633B.217 or cites the section in which the  
8 authority is described.

9 2. A reference in a power of attorney to general authority  
10 with respect to the descriptive term for a subject stated in  
11 sections 633B.204 through 633B.217 or a citation to a section  
12 in sections 633B.204 through 633B.217 incorporates the entire  
13 section as if it were set out in full in the power of attorney.

14 3. A principal may modify authority incorporated by  
15 reference.

16 Sec. 28. NEW SECTION. 633B.203 Construction of authority  
17 generally.

18 Except as otherwise provided in the power of attorney, by  
19 executing a power of attorney that incorporates by reference a  
20 subject described in sections 633B.204 through 633B.217 or that  
21 grants an agent authority to do all acts that a principal could  
22 do pursuant to section 633B.201, subsection 3, a principal  
23 authorizes the agent, with respect to that subject, to do all  
24 of the following:

25 1. Demand, receive, and obtain by litigation or otherwise,  
26 money or another thing of value to which the principal is,  
27 may become, or claims to be entitled, and conserve, invest,  
28 disburse, or use anything so received or obtained for the  
29 purposes intended.

30 2. Contract in any manner with any person, on terms  
31 agreeable to the agent, to accomplish a purpose of a  
32 transaction and perform, rescind, cancel, terminate, reform,  
33 restate, release, or modify the contract or another contract  
34 made by or on behalf of the principal.

35 3. Execute, acknowledge, seal, deliver, file, or record

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1 any instrument or communication the agent considers desirable  
2 to accomplish a purpose of a transaction, including but not  
3 limited to creating at any time a schedule listing some or all  
4 of the principal's property and attaching the instrument of  
5 communication to the power of attorney.

6 4. Initiate, participate in, submit to alternative dispute  
7 resolution, settle, oppose, or propose or accept a compromise  
8 with respect to a claim existing in favor of or against the  
9 principal or intervene in litigation relating to the claim.

10 5. Seek on the principal's behalf the assistance of a court  
11 or other governmental agency to carry out an act authorized in  
12 the power of attorney.

13 6. Engage, compensate, and discharge an attorney,  
14 accountant, discretionary investment manager, expert witness,  
15 or other advisor.

16 7. Prepare, execute, and file a record, report, or other  
17 document to safeguard or promote the principal's interest under  
18 a statute, rule, or regulation.

19 8. Communicate with any representative or employee  
20 of a government or governmental subdivision, agency, or  
21 instrumentality, on behalf of the principal.

22 9. Access communications intended for, and communicate  
23 on behalf of the principal, whether by mail, electronic  
24 transmission, telephone, or other means.

25 10. Do any lawful act with respect to the subject and all  
26 property related to the subject.

27 Sec. 29. NEW SECTION. 633B.204 Real property.

28 Unless the power of attorney otherwise provides and subject  
29 to section 633B.201, language in a power of attorney granting  
30 general authority with respect to real property authorizes the  
31 agent to do all of the following:

32 1. Demand, buy, lease, receive, accept as a gift or as  
33 security for an extension of credit, or otherwise acquire or  
34 reject an interest in real property or a right incident to real  
35 property.

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- 1     2. Sell; exchange; convey with or without covenants,  
2 representations, or warranties; quitclaim; release; surrender;  
3 retain title for security; encumber; partition; consent to  
4 partitioning; be subject to an easement or covenant; subdivide;  
5 apply for zoning or other governmental permits; plat or consent  
6 to platting; develop; grant an option concerning; lease;  
7 sublease; contribute to an entity in exchange for an interest  
8 in that entity; or otherwise grant or dispose of an interest in  
9 real property or a right incident to real property.
- 10    3. Pledge or mortgage an interest in real property or right  
11 incident to real property as security to borrow money or pay,  
12 renew, or extend the time of payment of a debt of the principal  
13 or a debt guaranteed by the principal.
- 14    4. Release, assign, satisfy, or enforce by litigation  
15 or otherwise, a mortgage, deed of trust, conditional sale  
16 contract, encumbrance, lien, or other claim to real property  
17 which exists or is asserted.
- 18    5. Manage or conserve an interest in real property or a  
19 right incident to real property owned or claimed to be owned  
20 by the principal, including but not limited to by doing all of  
21 the following:
- 22     a. Insuring against liability or casualty or other loss.  
23     b. Obtaining or regaining possession of or protecting the  
24 interest or right by litigation or otherwise.
- 25     c. Paying, assessing, compromising, or contesting taxes or  
26 assessments or applying for and receiving refunds in connection  
27 with them.
- 28     d. Purchasing supplies, hiring assistance or labor, and  
29 making repairs or alterations to the real property.
- 30    6. Use, develop, alter, replace, remove, erect, or install  
31 structures or other improvements upon real property in or  
32 incident to which the principal has, or claims to have, an  
33 interest or right.
- 34    7. Participate in a reorganization with respect to real  
35 property or an entity that owns an interest in or a right

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1 incident to real property and receive, hold, and act with  
2 respect to stocks and bonds or other property received in  
3 a plan of reorganization, including by doing any of the  
4 following:

5     *a.* By selling or otherwise disposing of the stocks, bonds,  
6 or other property.

7     *b.* By exercising or selling an option, right of conversion,  
8 or similar right.

9     *c.* By exercising any voting rights in person or by proxy.

10     8. Change the form of title of an interest in or right  
11 incident to real property.

12     9. Dedicate to public use, with or without consideration,  
13 easements or other real property in which the principal has,  
14 or claims to have, an interest.

15     Sec. 30. NEW SECTION. **633B.205 Tangible personal property.**

16     Unless the power of attorney otherwise provides and subject  
17 to section 633B.201, language in a power of attorney granting  
18 general authority with respect to tangible personal property  
19 authorizes the agent to do all of the following:

20     1. Demand, buy, receive, accept as a gift or as security  
21 for an extension of credit, or otherwise acquire or reject  
22 ownership or possession of tangible personal property or an  
23 interest in tangible personal property.

24     2. Sell; exchange; convey with or without covenants,  
25 representations, or warranties; quitclaim; release; surrender;  
26 create a security interest in; grant options concerning; lease;  
27 sublease; or, otherwise dispose of tangible personal property  
28 or an interest in tangible personal property.

29     3. Grant a security interest in tangible personal property  
30 or an interest in tangible personal property as security to  
31 borrow money or pay, renew, or extend the time of payment of a  
32 debt of the principal or a debt guaranteed by the principal.

33     4. Release, assign, satisfy, or enforce by litigation or  
34 otherwise, a security interest, lien, or other claim on behalf  
35 of the principal, with respect to tangible personal property or

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1 an interest in tangible personal property.  
2 5. Manage or conserve tangible personal property or an  
3 interest in tangible personal property on behalf of the  
4 principal, including by doing all of the following:  
5 a. Insuring against liability or casualty or other loss.  
6 b. Obtaining or regaining possession of or protecting the  
7 property or interest, by litigation or otherwise.  
8 c. Paying, assessing, compromising, or contesting taxes or  
9 assessments or applying for and receiving refunds in connection  
10 with taxes or assessments.  
11 d. Moving the property from place to place.  
12 e. Storing the property for hire or on a gratuitous  
13 bailment.  
14 f. Using and making repairs, alterations, or improvements to  
15 the property.  
16 6. Change the form of title of an interest in tangible  
17 personal property.  
18 Sec. 31. NEW SECTION. 633B.206 **Stocks and bonds.**  
19 Unless the power of attorney otherwise provides and subject  
20 to section 633B.201, language in a power of attorney granting  
21 general authority with respect to stocks and bonds authorizes  
22 the agent to do all of the following:  
23 1. Buy, sell, and exchange stocks and bonds.  
24 2. Establish, continue, modify, or terminate an account  
25 with respect to stocks and bonds.  
26 3. Pledge stocks and bonds as security to borrow, pay,  
27 renew, or extend the time of payment of a debt of the  
28 principal.  
29 4. Receive certificates and other evidence of ownership  
30 with respect to stocks and bonds.  
31 5. Exercise voting rights with respect to stocks and bonds  
32 in person or by proxy, enter into voting trusts, and consent to  
33 limitations on the right to vote.  
34 Sec. 32. NEW SECTION. 633B.207 **Commodities and options.**  
35 Unless the power of attorney otherwise provides and subject

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1 to section 633B.201, language in a power of attorney granting  
2 general authority with respect to commodities and options  
3 authorizes the agent to do all of the following:

4 1. Buy, sell, exchange, assign, settle, and exercise  
5 commodity futures contracts and call or put options on stocks  
6 or stock indexes traded on a regulated option exchange.

7 2. Establish, continue, modify, and terminate option  
8 accounts.

9 Sec. 33. NEW SECTION. 633B.208 Banks and other financial  
10 institutions.

11 Unless the power of attorney otherwise provides and subject  
12 to section 633B.201, language in a power of attorney granting  
13 general authority with respect to banks and other financial  
14 institutions authorizes the agent to do all of the following:

15 1. Continue, modify, and terminate an account or other  
16 banking arrangement made by or on behalf of the principal.

17 2. Establish, modify, and terminate an account or other  
18 banking arrangement with a bank, trust company, savings and  
19 loan association, credit union, thrift company, brokerage firm,  
20 or other financial institution selected by the agent.

21 3. Contract for services available from a financial  
22 institution, including but not limited to renting a safe  
23 deposit box or space in a vault.

24 4. Withdraw, by check, order, electronic funds transfer, or  
25 otherwise, money or property of the principal deposited with or  
26 left in the custody of a financial institution.

27 5. Receive statements of account, vouchers, notices, and  
28 similar documents from a financial institution and act with  
29 respect to them.

30 6. Enter a safe deposit box or vault and withdraw or add to  
31 the contents.

32 7. Borrow money and pledge as security personal property  
33 of the principal necessary to borrow money or pay, renew, or  
34 extend the time of payment of a debt of the principal or a debt  
35 guaranteed by the principal.

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1 8. Make, assign, draw, endorse, discount, guarantee,  
2 and negotiate promissory notes, checks, drafts, and other  
3 negotiable or nonnegotiable paper of the principal or payable  
4 to the principal or the principal's order, transfer money,  
5 receive the cash or other proceeds of those transactions, and  
6 accept a draft drawn by a person upon the principal and pay  
7 the promissory note, check, draft, or other negotiable or  
8 nonnegotiable paper when due.

9 9. Receive for the principal and act upon a sight draft,  
10 warehouse receipt, or other document of title whether tangible  
11 or electronic, or any other negotiable or nonnegotiable  
12 instrument.

13 10. Apply for, receive, and use letters of credit, credit  
14 and debit cards, electronic transaction authorizations, and  
15 traveler's checks from a financial institution and give an  
16 indemnity or other agreement in connection with letters of  
17 credit.

18 11. Consent to an extension of the time of payment with  
19 respect to commercial paper or a financial transaction with a  
20 financial institution.

21 Sec. 34. NEW SECTION. 633B.209 Operation of entity or  
22 business.

23 Subject to the terms of a document or an agreement governing  
24 an entity or business or an entity or business ownership  
25 interest, and subject to section 633B.201, and unless the  
26 power of attorney otherwise provides, language in a power of  
27 attorney granting general authority with respect to operation  
28 of an entity or business authorizes the agent to do all of the  
29 following:

30 1. Operate, buy, sell, enlarge, reduce, or terminate an  
31 ownership interest.

32 2. Perform a duty or discharge a liability and exercise in  
33 person or by proxy a right, power, privilege, or option that  
34 the principal has, may have, or claims to have.

35 3. Enforce the terms of an ownership agreement.

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1 4. Initiate, participate in, submit to alternative dispute  
2 resolution, settle, oppose, or propose or accept a compromise  
3 with respect to litigation to which the principal is a party  
4 because of an ownership interest.

5 5. Exercise in person or by proxy or enforce by litigation  
6 or otherwise, a right, power, privilege, or option the  
7 principal has or claims to have as the holder of stocks and  
8 bonds.

9 6. Initiate, participate in, submit to alternative dispute  
10 resolution, settle, oppose, or propose or accept a compromise  
11 with respect to litigation to which the principal is a party  
12 concerning stocks and bonds.

13 7. Do all of the following with respect to an entity or  
14 business owned solely by the principal:

15 a. Continue, modify, renegotiate, extend, and terminate a  
16 contract made by or on behalf of the principal with respect  
17 to the entity or business before execution of the power of  
18 attorney.

19 b. Determine all of the following:

20 (1) The location of the entity or business operation.

21 (2) The nature and extent of the entity or business.

22 (3) The methods of manufacturing, selling, merchandising,  
23 financing, accounting, and advertising employed in the  
24 operation of the entity or business.

25 (4) The amount and types of insurance carried by the entity  
26 or business.

27 (5) The mode of engaging, compensating, and dealing with  
28 the employees, accountants, attorneys, or other advisors of the  
29 entity or business.

30 c. Change the name or form of organization under which the  
31 entity or business is operated and enter into an ownership  
32 agreement with other persons to take over all or part of the  
33 operation of the entity or business.

34 d. Demand and receive money due or claimed by the principal  
35 or on the principal's behalf in the operation of the entity or

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1 business and control and disburse the money in the operation of  
2 the entity or business.

3 8. Inject needed capital into an entity or business in which  
4 the principal has an interest.

5 9. Join in a plan of reorganization, consolidation,  
6 conversion, domestication, or merger of the entity or business.

7 10. Sell or liquidate all or part of the entity or business.

8 11. Establish the value of an entity or business under a  
9 buyout agreement to which the principal is a party.

10 12. Prepare, sign, file, and deliver reports, compilations  
11 of information, returns, or other papers with respect to an  
12 entity or business and make related payments.

13 13. Pay, compromise, or contest taxes, assessments, fines,  
14 or penalties and perform any other act to protect the principal  
15 from illegal or unnecessary taxation, assessments, fines, or  
16 penalties with respect to an entity or business, including but  
17 not limited to attempts to recover, in any manner permitted by  
18 law, money paid before or after the execution of the power of  
19 attorney.

20 Sec. 35. NEW SECTION. 633B.210 Insurance and annuities.

21 Unless the power of attorney otherwise provides and subject  
22 to section 633B.201, language in a power of attorney granting  
23 general authority with respect to insurance and annuities  
24 authorizes the agent to do all of the following:

25 1. Continue, pay the premium or make a contribution on,  
26 modify, exchange, rescind, release, or terminate a contract  
27 procured by or on behalf of the principal which insures or  
28 provides an annuity to either the principal or another person  
29 whether or not the principal is a beneficiary under the  
30 contract.

31 2. Procure new, different, and additional contracts of  
32 insurance and annuities for the principal and the principal's  
33 spouse, children, and other dependents, and select the amount,  
34 type of insurance or annuity, and mode of payment.

35 3. Pay the premium or make a contribution on, modify,

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1 exchange, rescind, release, or terminate a contract of  
2 insurance or annuity procured by the agent.

3 4. Apply for and receive a loan secured by a contract of  
4 insurance or annuity.

5 5. Surrender and receive the cash surrender value on a  
6 contract of insurance or annuity.

7 6. Exercise an election.

8 7. Exercise investment powers available under a contract of  
9 insurance or annuity.

10 8. Change the manner of paying premiums on a contract of  
11 insurance or annuity.

12 9. Change or convert the type of insurance or annuity with  
13 respect to which the principal has or claims to have authority  
14 described in this section.

15 10. Apply for and procure a benefit or assistance under a  
16 statute, rule, or regulation to guarantee or pay premiums of a  
17 contract of insurance on the life of the principal.

18 11. Collect, sell, assign, hypothecate, borrow against, or  
19 pledge the interest of the principal in a contract of insurance  
20 or annuity.

21 12. Select the form and timing of the payment of proceeds  
22 from a contract of insurance or annuity.

23 13. Pay, from proceeds or otherwise, compromise or contest,  
24 and apply for refunds in connection with a tax or assessment  
25 levied by a taxing authority with respect to a contract of  
26 insurance or annuity or its proceeds or liability accruing by  
27 reason of the tax or assessment.

28 Sec. 36. NEW SECTION. 633B.211 Estates, trusts, and other  
29 beneficial interests.

30 1. In this section, "*estate, trust, or other beneficial*  
31 *interest*" means a trust, probate estate, guardianship,  
32 conservatorship, escrow, or custodianship, or a fund from which  
33 the principal is, may become, or claims to be, entitled to a  
34 share or payment.

35 2. Unless the power of attorney otherwise provides,

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1 language in a power of attorney granting general authority with  
2 respect to estates, trusts, and other beneficial interests  
3 authorizes the agent to do all of the following:

4     *a.* Accept, receive, provide a receipt for, sell, assign,  
5 pledge, or exchange a share in or payment from an estate,  
6 trust, or other beneficial interest.

7     *b.* Demand or obtain money or another thing of value to which  
8 the principal is, may become, or claims to be, entitled by  
9 reason of an estate, trust, or other beneficial interest, by  
10 litigation or otherwise.

11     *c.* Exercise for the benefit of the principal a presently  
12 exercisable general power of appointment held by the principal.

13     *d.* Initiate, participate in, submit to alternative dispute  
14 resolution, settle, oppose, or propose or accept a compromise  
15 with respect to litigation to ascertain the meaning, validity,  
16 or effect of a deed, will, declaration of trust, or other  
17 instrument or transaction affecting the interest of the  
18 principal.

19     *e.* Initiate, participate in, submit to alternative dispute  
20 resolution, settle, oppose, or propose or accept a compromise  
21 with respect to litigation to remove, substitute, or surcharge  
22 a fiduciary.

23     *f.* Conserve, invest, disburse, or use any assets received  
24 for an authorized purpose.

25     *g.* Transfer an interest of the principal in real property,  
26 stocks and bonds, accounts with financial institutions or  
27 securities intermediaries, insurance, annuities, and other  
28 property to the trustee of a revocable trust created by the  
29 principal as settlor.

30     *h.* Reject, renounce, disclaim, release, or consent to a  
31 reduction in or modification of a share in or payment from an  
32 estate, trust, or other beneficial interest.

33     Sec. 37. NEW SECTION. **633B.212 Claims and litigation.**

34     Unless the power of attorney otherwise provides and subject  
35 to section 633B.201, language in a power of attorney granting

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1 general authority with respect to claims and litigation  
2 authorizes the agent to do all of the following:  
3 1. Assert and maintain before a court or administrative  
4 agency a claim, claim for relief, cause of action,  
5 counterclaim, offset, recoupment, or defense, including but  
6 not limited to an action to recover property or other thing of  
7 value, recover damages sustained by the principal, eliminate  
8 or modify tax liability, or seek an injunction, specific  
9 performance, or other relief.  
10 2. Bring an action to determine adverse claims or intervene  
11 or otherwise participate in litigation.  
12 3. Seek an attachment, garnishment, or other preliminary,  
13 provisional, or intermediate relief and use an available  
14 procedure to effect or satisfy a judgment, order, or decree.  
15 4. Make or accept a tender, offer of judgment, or admission  
16 of facts, submit a controversy on an agreed statement of facts,  
17 consent to examination, and bind the principal in litigation.  
18 5. Submit to alternative dispute resolution, or settle,  
19 propose, or accept a compromise.  
20 6. Waive the issuance and service of process upon the  
21 principal, accept service of process, appear for the principal,  
22 designate persons upon which process directed to the principal  
23 may be served, execute and file or deliver stipulations on the  
24 principal's behalf, verify pleadings, seek appellate review,  
25 procure and give surety and indemnity bonds, contract and  
26 pay for the preparation and printing of records and briefs,  
27 receive, execute, and file or deliver a consent, waiver,  
28 release, confession of judgment, satisfaction of judgment,  
29 notice, agreement, or other instrument in connection with the  
30 prosecution, settlement, or defense of a claim or litigation.  
31 7. Act for the principal with respect to bankruptcy or  
32 insolvency, whether voluntary or involuntary, concerning  
33 the principal or some other person, or with respect to  
34 a reorganization, receivership, or application for the  
35 appointment of a receiver or trustee which affects an interest

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1 of the principal in property or other thing of value.

2 8. Pay a judgment, award, or order against the principal or  
3 a settlement made in connection with a claim or litigation.

4 9. Receive money or other thing of value paid in settlement  
5 of or as proceeds of a claim or litigation.

6 Sec. 38. NEW SECTION. 633B.213 **Personal and family**  
7 **maintenance.**

8 1. Unless the power of attorney otherwise provides and  
9 subject to subsection 633B.201, language in a power of attorney  
10 granting general authority with respect to personal and family  
11 maintenance authorizes the agent to do all of the following:

12 a. Perform the acts necessary to maintain the customary  
13 standard of living of the principal, the principal's spouse,  
14 and the following individuals, whether living when the power of  
15 attorney is executed or later born:

16 (1) The principal's minor children.

17 (2) The principal's adult children who are pursuing a  
18 postsecondary school education and are under the age of  
19 twenty-five.

20 (3) The principal's parents or the parents of the  
21 principal's spouse, if the principal had established a pattern  
22 of such payments.

23 (4) Any other individuals legally entitled to be supported  
24 by the principal.

25 b. Make periodic payments of child support and other family  
26 maintenance required by a court or governmental agency or an  
27 agreement to which the principal is a party.

28 c. Provide living quarters for the individuals described in  
29 paragraph "a" by any of the following:

30 (1) Purchase, lease, or other contract.

31 (2) Paying the operating costs, including but not limited  
32 to interest, amortization payments, repairs, improvements, and  
33 taxes, for premises owned by the principal or occupied by those  
34 individuals.

35 d. Provide funds for shelter, clothing, food, appropriate

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1 education, including postsecondary and vocational education,  
2 and other current living costs for the individuals described  
3 in paragraph "a" to enable those individuals to maintain their  
4 customary standard of living.  
5 e. Pay expenses for necessary health care and custodial care  
6 on behalf of the individuals described in paragraph "a".  
7 f. Act as the principal's personal representative pursuant  
8 to the federal Health Insurance Portability and Accountability  
9 Act of 1996, Pub. L. No. 104-191, including amendments thereto  
10 and regulations promulgated thereunder, in making decisions  
11 related to past, present, or future payments for the provision  
12 of health care consented to by the principal or anyone  
13 authorized under the law of this state to consent to health  
14 care on behalf of the principal.  
15 g. Continue any provision made by the principal for  
16 automobiles or other means of transportation, including  
17 registering, licensing, insuring, and replacing them, for the  
18 individuals described in paragraph "a".  
19 h. Maintain credit and debit accounts for the convenience  
20 of the individuals described in paragraph "a" and open new  
21 accounts.  
22 i. Continue payments or contributions incidental to the  
23 membership or affiliation of the principal in a religious  
24 institution, club, society, order, or other organization.  
25 2. Authority with respect to personal and family  
26 maintenance is neither dependent upon, nor limited by,  
27 authority that an agent may or may not have with respect to  
28 gifts under this chapter.  
29 Sec. 39. NEW SECTION. 633B.214 Benefits from governmental  
30 programs or civil or military service.  
31 1. In this section, "benefits from governmental programs  
32 or civil or military service" means any benefit, program,  
33 or assistance provided under a statute, rule, or regulation  
34 relating to but not limited to social security, Medicare, or  
35 Medicaid.



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1 2. Unless the power of attorney otherwise provides,  
2 language in a power of attorney granting general authority  
3 with respect to benefits from governmental programs or civil  
4 or military service authorizes the agent to do all of the  
5 following:

6 a. Execute vouchers in the name of the principal for  
7 allowances and reimbursements payable by the United States, a  
8 foreign government, or a state or subdivision of a state to  
9 the principal, including but not limited to allowances and  
10 reimbursements for transportation of the individuals described  
11 in section 633B.213, subsection 1, paragraph "a", and for  
12 shipment of the household effects of such individuals.

13 b. Take possession and order the removal and shipment of  
14 property of the principal from a post, warehouse, depot, dock,  
15 or other place of storage or safekeeping, either governmental  
16 or private, and execute and deliver a release, voucher,  
17 receipt, bill of lading, shipping ticket, certificate, or other  
18 instrument for that purpose.

19 c. Enroll in, apply for, select, reject, change, amend, or  
20 discontinue, on the principal's behalf, a benefit or program.

21 d. Prepare, file, and maintain a claim of the principal for  
22 a benefit or assistance, financial or otherwise, to which the  
23 principal may be entitled under a statute, rule, or regulation.

24 e. Initiate, participate in, submit to alternative dispute  
25 resolution, settle, oppose, or propose or accept a compromise  
26 with respect to litigation concerning any benefit or assistance  
27 the principal may be entitled to receive under a statute, rule,  
28 or regulation.

29 f. Receive the financial proceeds of a claim described in  
30 paragraph "d" and conserve, invest, disburse, or use for a  
31 lawful purpose anything so received.

32 Sec. 40. NEW SECTION. 633B.215 Retirement plans.

33 1. In this section, "retirement plan" means a plan or  
34 account created by an employer, the principal, or another  
35 individual to provide retirement benefits or deferred

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1 compensation in which the principal is a participant,  
2 beneficiary, or owner, including but not limited to a plan or  
3 account under the following sections of the Internal Revenue  
4 Code:  
5     *a.* An individual retirement account in accordance with  
6 section 408.  
7     *b.* A Roth individual retirement account established under  
8 section 408A.  
9     *c.* A deemed individual retirement account under section  
10 408(q).  
11     *d.* An annuity or mutual fund custodial account under section  
12 403(b).  
13     *e.* A pension, profit-sharing, stock bonus, or other  
14 retirement plan qualified under section 401(a).  
15     *f.* An eligible deferred compensation plan under section  
16 457(b).  
17     *g.* A nonqualified deferred compensation plan under section  
18 409A.  
19     2. Unless the power of attorney otherwise provides,  
20 language in a power of attorney granting general authority with  
21 respect to retirement plans authorizes the agent to do all of  
22 the following:  
23     *a.* Select the form and timing of payments under a retirement  
24 plan and withdraw benefits from a plan.  
25     *b.* Make a rollover, including a direct trustee-to-trustee  
26 rollover of benefits from one retirement plan to another.  
27     *c.* Establish a retirement plan in the principal's name.  
28     *d.* Make contributions to a retirement plan.  
29     *e.* Exercise investment powers available under a retirement  
30 plan.  
31     *f.* Borrow from, sell assets to, or purchase assets from a  
32 retirement plan.  
33     Sec. 41. NEW SECTION.   **633B.216 Taxes.**  
34     Unless the power of attorney otherwise provides, language in  
35 a power of attorney granting general authority with respect to

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1 taxes authorizes the agent to do all of the following:  
2 1. Prepare, sign, and file federal, state, local, and  
3 foreign income, gift, payroll, property, Federal Insurance  
4 Contributions Act returns and other tax returns, claims for  
5 refunds, requests for extension of time, petitions regarding  
6 tax matters, and any other tax-related documents, including  
7 receipts, offers, waivers, consents, including but not limited  
8 to consents and agreements under section 2032A of the Internal  
9 Revenue Code, closing agreements, and any power of attorney  
10 required by the Internal Revenue Service or other taxing  
11 authority with respect to a tax year upon which the statute of  
12 limitations has not run.  
13 2. Pay taxes due, collect refunds, post bonds, receive  
14 confidential information, and contest deficiencies determined  
15 by the Internal Revenue Service or other taxing authority.  
16 3. Exercise any election available to the principal under  
17 federal, state, local, or foreign tax law.  
18 4. Act for the principal in all tax matters for all periods  
19 before the Internal Revenue Service or any other taxing  
20 authority.  
21 Sec. 42. NEW SECTION. 633B.217 Gifts.  
22 1. In this section, a gift *"for the benefit of"* a person  
23 includes a gift to a trust, an account under a uniform  
24 transfers to minors Act, and a qualified state tuition program  
25 exempt from taxation pursuant to section 529 of the Internal  
26 Revenue Code.  
27 2. Unless the power of attorney otherwise provides,  
28 language in a power of attorney granting general authority with  
29 respect to gifts authorizes the agent only to do all of the  
30 following:  
31 a. Make a gift of any of the principal's property outright  
32 to, or for the benefit of, a person, including but not limited  
33 to by the exercise of a presently exercisable general power  
34 of appointment held by the principal, in an amount per donee  
35 not to exceed the annual dollar limits of the federal gift

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1 tax exclusion under section 2503(b) of the Internal Revenue  
2 Code without regard to whether the federal gift tax exclusion  
3 applies to the gift or if the principal's spouse agrees  
4 to consent to a split gift pursuant to section 2513 of the  
5 Internal Revenue Code in an amount per donee not to exceed  
6 twice the annual federal gift tax exclusion limit.  
7     **b.** Consent to the splitting of a gift made by the  
8 principal's spouse pursuant to section 2513 of the Internal  
9 Revenue Code in an amount per donee not to exceed the aggregate  
10 annual gift tax exclusions for both spouses.  
11     **3.** An agent may make a gift of the principal's property  
12 only as the agent determines is consistent with the principal's  
13 objectives if actually known by the agent and, if unknown,  
14 as the agent determines is consistent with the principal's  
15 best interest based on all relevant factors, including but not  
16 limited to all of the following:  
17     **a.** The value and nature of the principal's property.  
18     **b.** The principal's foreseeable obligations and need for  
19 maintenance.  
20     **c.** The minimization of taxes, including but not limited to  
21 income, estate, inheritance, generation-skipping transfer, and  
22 gift taxes.  
23     **d.** Eligibility for a benefit, a program, or assistance under  
24 a statute, rule, or regulation.  
25     **e.** The principal's personal history of making or joining in  
26 making gifts.  
27     **Sec. 43. NEW SECTION. 633B.301 Power of attorney — form.**  
28     A document substantially in the following form may be used to  
29 create a statutory power of attorney that has the meaning and  
30 effect prescribed by this chapter:  
31             **IOWA STATUTORY POWER OF ATTORNEY FORM**  
32     **1. POWER OF ATTORNEY**  
33     This power of attorney authorizes another person (your  
34 agent) to make decisions concerning your property for you (the  
35 principal). Your agent will be able to make decisions and act

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1 with respect to your property (including but not limited to  
2 your money) whether or not you are able to act for yourself.  
3 The meaning of authority over subjects listed on this form is  
4 explained in the Iowa Uniform Power of Attorney Act, Iowa Code  
5 chapter 633B.

6 This power of attorney does not authorize the agent to make  
7 health care decisions for you.

8 You should select someone you trust to serve as your agent.  
9 Unless you specify otherwise, generally the agent's authority  
10 will continue until you die or revoke the power of attorney or  
11 the agent resigns or is unable to act for you.

12 Your agent is not entitled to compensation unless you state  
13 otherwise in the optional Special Instructions.

14 This form provides for designation of one agent. If you  
15 wish to name more than one agent, you may name a coagent in the  
16 optional Special Instructions. Coagents must act by majority  
17 rule unless you provide otherwise in the optional Special  
18 Instructions.

19 If your agent is unable or unwilling to act for you, your  
20 power of attorney will end unless you have named a successor  
21 agent. You may also name a second successor agent.

22 This power of attorney becomes effective immediately upon  
23 signature and acknowledgment unless you state otherwise in the  
24 optional Special Instructions.

25 If you have questions about this power of attorney or the  
26 authority you are granting to your agent, you should seek legal  
27 advice before signing this form.

28 DESIGNATION OF AGENT

29 I \_\_\_\_\_ (name of principal) name the  
30 following person as my agent:

31 Name of Agent \_\_\_\_\_

32 Agent's Address \_\_\_\_\_

33 Agent's Telephone Number \_\_\_\_\_

34 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

35 If my agent is unable or unwilling to act for me, I name as

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1 my successor agent:

2 Name of Successor Agent \_\_\_\_\_

3 Successor Agent's Address \_\_\_\_\_

4 Successor Agent's Telephone Number \_\_\_\_\_

5 If my successor agent is unable or unwilling to act for me, I  
6 name as my second successor agent:

7 Name of Second Successor Agent \_\_\_\_\_

8 Second Successor Agent's Address \_\_\_\_\_

9 Second Successor Agent's Telephone Number \_\_\_\_\_

10 GRANT OF GENERAL AUTHORITY

11 I grant my agent and any successor agent general authority to  
12 act for me with respect to the following subjects as defined in  
13 the Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B:

14 (Initial each subject you want to include in the agent's  
15 general authority. If you wish to grant general authority over  
16 all of the subjects you may initial "All Preceding Subjects"  
17 instead of initialing each subject.)

18 \_\_\_ Real Property

19 \_\_\_ Tangible Personal Property

20 \_\_\_ Stocks and Bonds

21 \_\_\_ Commodities and Options

22 \_\_\_ Banks and Other Financial Institutions

23 \_\_\_ Operation of Entity or Business

24 \_\_\_ Insurance and Annuities

25 \_\_\_ Estates, Trusts, and Other Beneficial Interests

26 \_\_\_ Claims and Litigation

27 \_\_\_ Personal and Family Maintenance

28 \_\_\_ Benefits from Governmental Programs or Civil or Military

29 Service

30 \_\_\_ Retirement Plans

31 \_\_\_ Taxes

32 \_\_\_ All Preceding Subjects

33 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

34 My agent shall not do any of the following specific acts for  
35 me unless I have initialed the specific authority listed below:

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1 (Caution: Granting any of the following will give your agent  
2 the authority to take actions that could significantly reduce  
3 your property or change how your property is distributed at  
4 your death. Initial only the specific authority you WANT to  
5 give your agent.)

6 \_\_\_\_ Amend, revoke, or terminate a revocable inter vivos  
7 trust, if authorized by the trust.

8 \_\_\_\_ Agree to the amendment or termination of any other inter  
9 vivos trust.

10 \_\_\_\_ Make a gift to an individual who is not an agent, subject  
11 to the limitations of the Iowa Uniform Power of Attorney Act,  
12 Iowa Code section 633B.217, and any special instructions in  
13 this power of attorney.

14 Make gifts, either direct or indirect, to my agent acting  
15 under this power of attorney as follows:

16 \_\_\_\_ Any such gift must be approved in writing by  
17 \_\_\_\_\_; or

18 \_\_\_\_ No third party approval is needed.

19 \_\_\_\_ Authorize another person to exercise the authority  
20 granted under this power of attorney.

21 \_\_\_\_ Waive the principal's right to be a beneficiary of a  
22 joint and survivor annuity, including a survivor benefit under  
23 a retirement plan.

24 \_\_\_\_ Exercise fiduciary powers that the principal has  
25 authority to delegate.

26 \_\_\_\_ Disclaim or refuse an interest in property, including a  
27 power of appointment.

28 LIMITATION ON AGENT'S AUTHORITY

29 An agent that is not my ancestor, spouse, or descendant shall  
30 not use my property to benefit the agent or a person to whom the  
31 agent owes an obligation of support unless I have included that  
32 authority in the optional Special Instructions.

33 SPECIAL INSTRUCTIONS (OPTIONAL)

34 You may give special instructions on the following lines:

35 \_\_\_\_\_

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9 \_\_\_\_\_  
10 \_\_\_\_\_

11 \_\_\_\_\_ shall have the authority to  
12 request an accounting of any agent.

13 EFFECTIVE DATE

14 This power of attorney is effective immediately upon  
15 signature and acknowledgment unless I have stated otherwise in  
16 the optional Special Instructions.

17 NOMINATION OF CONSERVATOR AND GUARDIAN (OPTIONAL)

18 If it becomes necessary for a court to appoint a conservator  
19 of my estate or guardian of my person, I nominate the following  
20 person(s) for appointment:

21 Name of Nominee for Conservator of My Estate \_\_\_\_\_

22 Nominee's Address \_\_\_\_\_

23 Nominee's Telephone Number \_\_\_\_\_

24 Name of Nominee for Guardian of My Person \_\_\_\_\_

25 Nominee's Address \_\_\_\_\_

26 Nominee's Telephone Number \_\_\_\_\_

27 RELIANCE ON THIS POWER OF ATTORNEY

28 Any person, including my agent, may rely upon the validity of  
29 this power of attorney or a copy of it unless that person knows  
30 it has terminated or is invalid.

31 SIGNATURE AND ACKNOWLEDGMENT

32 \_\_\_\_\_

33 Your Signature

\_\_\_\_\_ Date

34 \_\_\_\_\_

35 Your Name Printed



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1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 Your Address  
4 \_\_\_\_\_  
5 Your Telephone Number  
6 State of \_\_\_\_\_  
7 County of \_\_\_\_\_  
8 This document was acknowledged before me on \_\_\_\_\_  
9 (date), by \_\_\_\_\_ (name of principal)  
10 \_\_\_\_\_ (Seal, if any)  
11 Signature of Notary  
12 My commission expires \_\_\_\_\_  
13 This document prepared by  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 2. IMPORTANT INFORMATION FOR AGENT

17 AGENT'S DUTIES

18 When you accept the authority granted under this power of  
19 attorney, a special legal relationship is created between the  
20 principal and you. This relationship imposes upon you legal  
21 duties that continue until you resign or the power of attorney  
22 is terminated or revoked. You must do all of the following:

23 Do what you know the principal reasonably expects you to  
24 do with the principal's property or, if you do not know the  
25 principal's expectations, act in the principal's best interest.

26 Act in good faith.

27 Do nothing beyond the authority granted in this power of  
28 attorney.

29 Disclose your identity as an agent whenever you act for the  
30 principal by writing or printing the name of the principal and  
31 signing your own name as agent in the following manner:

32 \_\_\_\_\_ (principal's name) by

33 \_\_\_\_\_ (your signature) as Agent

34 Unless the Special Instructions in this power of attorney  
35 state otherwise, you must also do all of the following:

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1 Act loyally for the principal's benefit.  
2 Avoid conflicts that would impair your ability to act in the  
3 principal's best interest.  
4 Act with care, competence, and diligence.  
5 Keep a record of all receipts, disbursements, and  
6 transactions made on behalf of the principal.  
7 Cooperate with any person that has authority to make  
8 health care decisions for the principal to do what you know  
9 the principal reasonably expects or, if you do not know the  
10 principal's expectations, to act in the principal's best  
11 interest.

12 Attempt to preserve the principal's estate plan if you  
13 know the plan and preserving the plan is consistent with the  
14 principal's best interest.

15 TERMINATION OF AGENT'S AUTHORITY

16 You must stop acting on behalf of the principal if you learn  
17 of any event that terminates this power of attorney or your  
18 authority under this power of attorney. Events that terminate  
19 a power of attorney or your authority to act under a power of  
20 attorney include any of the following:

21 Death of the principal.

22 The principal's revocation of the power of attorney or your  
23 authority.

24 The occurrence of a termination event stated in the power of  
25 attorney.

26 The purpose of the power of attorney is fully accomplished.

27 If you are married to the principal, a legal action is  
28 filed with a court to end your marriage, or for your legal  
29 separation, unless the Special Instructions in this power of  
30 attorney state that such an action will not terminate your  
31 authority.

32 LIABILITY OF AGENT

33 The meaning of the authority granted to you is defined in the  
34 Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B. If  
35 you violate the Iowa Uniform Power of Attorney Act, Iowa Code

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1 chapter 633B, or act outside the authority granted, you may be  
2 liable for any damages caused by your violation.

3 If there is anything about this document or your duties that  
4 you do not understand, you should seek legal advice.

5 Sec. 44. NEW SECTION. 633B.302 Agent's certification —  
6 optional form.

7 The following optional form may be used by an agent to  
8 certify facts concerning a power of attorney:

9 IOWA STATUTORY POWER OF ATTORNEY AGENT'S CERTIFICATION FORM  
10 AGENT'S CERTIFICATION OF VALIDITY OF POWER OF ATTORNEY AND  
11 AGENT'S AUTHORITY

12 State of \_\_\_\_\_

13 County of \_\_\_\_\_

14 I, \_\_\_\_\_ (name of agent), certify  
15 under penalty of perjury that \_\_\_\_\_  
16 (name of principal) granted me authority as an agent  
17 or successor agent in a power of attorney dated  
18 \_\_\_\_\_.

19 I further certify all of the following to my knowledge:

20 The principal is alive and has not revoked the power of  
21 attorney or the Power of Attorney and my authority to act under  
22 the Power of Attorney have not terminated.

23 If the power of attorney was drafted to become effective  
24 upon the happening of an event or contingency, the event or  
25 contingency has occurred.

26 If I was named as a successor agent, the prior agent is no  
27 longer able or willing to serve.

28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 \_\_\_\_\_.

31 (Insert other relevant statements)

32 SIGNATURE AND ACKNOWLEDGMENT

33 \_\_\_\_\_

34 Agent's Signature

Date

35 \_\_\_\_\_

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1 Agent's Name Printed  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 Agent's Address  
5 \_\_\_\_\_  
6 Agent's Telephone Number  
7 This document was acknowledged before me on \_\_\_\_\_  
8 (date), by \_\_\_\_\_ (name of agent)  
9 \_\_\_\_\_ (Seal, if any)  
10 Signature of Notary  
11 My commission expires \_\_\_\_\_  
12 This document prepared by  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 Sec. 45. NEW SECTION. 633B.401 Uniformity of application  
16 and construction.  
17 In applying and construing this chapter, consideration shall  
18 be given to the need to promote uniformity of the law with  
19 respect to the subject matter of this chapter among states that  
20 enact the uniform power of attorney Act.  
21 Sec. 46. NEW SECTION. 633B.402 Relation to Electronic  
22 Signatures in Global and National Commerce Act.  
23 This chapter modifies, limits, and supersedes the federal  
24 Electronic Signatures in Global and National Commerce Act, 15  
25 U.S.C. §7001 et seq., but does not modify, limit, or supersede  
26 section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize  
27 electronic delivery of any of the notices described in section  
28 103(b) of that Act, 15 U.S.C. §7003(b).  
29 Sec. 47. NEW SECTION. 633B.403 Effect on existing powers  
30 of attorney.  
31 1. This chapter applies to a power of attorney, regardless  
32 of whether the power of attorney was created before, on, or  
33 after July 1, 2014.  
34 2. This chapter applies to all proceedings concerning a  
35 power of attorney commenced on or after July 1, 2014.

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1        3. This chapter applies to all proceedings concerning a  
2 power of attorney commenced before July 1, 2014, unless the  
3 court finds that application of a provision of this chapter  
4 would substantially interfere with the effective conduct of the  
5 proceedings or the rights of the parties or other interested  
6 persons. In that case, the provision does not apply and the  
7 court shall apply prior law.

8     Sec. 48. REPEAL. Sections 633B.1 and 633B.2, Code 2014,  
9 are repealed.

10	EXPLANATION
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11           The inclusion of this explanation does not constitute agreement with  
12           the explanation's substance by the members of the general assembly.

13 This bill creates the Iowa uniform power of attorney Act and  
14 provides penalties and includes applicability provisions.

15 Current Code chapter 633B relating to powers of attorney  
16 contains provisions relating to situations in which a power  
17 of attorney is not affected by the death or disability of the  
18 principal and provides notice provisions for the revocation or  
19 termination of a power of attorney.

20 The bill repeals current Code chapter 633B and replaces  
21 it with the Iowa uniform power of attorney Act, based on  
22 the uniform power of attorney Act, which provides specific  
23 provisions relating to the creation, duties, responsibilities,  
24 and powers of an agent designated in the power of attorney  
25 document to manage the principal's finances and property. The  
26 bill also provides remedies for abuses committed by an agent  
27 under a power of attorney. The bill defines "agent" to mean a  
28 person who is granted authority to act for a principal under a  
29 power of attorney, whether referred to as an agent, attorney  
30 in fact, or otherwise in the power of attorney document, and  
31 includes an original agent, coagent, successor agent, and a  
32 person to which an agent's authority is delegated; "person"  
33 means an individual, corporation, business trust, estate,  
34 trust, partnership, limited liability company, association,  
35 joint venture, public corporation, government or governmental

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1 subdivision, agency, or instrumentality, or any other legal  
2 or commercial entity; and "principal" means an individual who  
3 grants authority to an agent in a power of attorney.

4 GENERAL PROVISIONS. The bill contains the following general  
5 provisions relating to a power of attorney:

6 APPLICABILITY. The bill applies to all powers of attorney  
7 other than a durable power of attorney for health care (see  
8 Code chapter 144B), a voting proxy, a power created on a  
9 governmental form for a governmental purpose, and a power  
10 coupled with an interest of the agent such as a creditor's  
11 right to protect title in pledged collateral.

12 DURABILITY. A power of attorney is durable unless the power  
13 of attorney expressly provides that it is terminated by the  
14 principal's incapacity.

15 EXECUTION. A power of attorney must be signed by the  
16 principal or in the principal's conscious presence by  
17 another individual (not the prospective agent) directed by  
18 the principal to sign the principal's name on the power of  
19 attorney. A power of attorney must be acknowledged before a  
20 notary public or other individual authorized by law to take  
21 acknowledgments. An agent named in the power of attorney  
22 cannot notarize the principal's signature. An acknowledged  
23 signature on a power of attorney is presumed to be genuine.

24 VALIDITY. A power of attorney is governed by the law of the  
25 jurisdiction indicated in the power of attorney when properly  
26 executed. The bill does not affect the validity of the  
27 following powers of attorney properly executed in Iowa prior to  
28 July 1, 2014: a power of attorney properly executed in Iowa, a  
29 power of attorney properly created under the laws of another  
30 jurisdiction, and a military power of attorney. The bill also  
31 allows the use of a photocopy or electronically transmitted  
32 original.

33 MEANING AND EFFECT. The meaning and effect of a power of  
34 attorney is determined by the law of the jurisdiction indicated  
35 in the power of attorney and if there is no such indication,

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1 by the law of the jurisdiction where the power of attorney was  
2 executed.

3 CONSERVATOR AND GUARDIAN APPOINTMENTS IN A POWER OF  
4 ATTORNEY. A principal can appoint a conservator or guardian in  
5 the power of attorney and specify that an agent's authority to  
6 act under the power of attorney is suspended during the time a  
7 conservator is acting unless provided otherwise in the power of  
8 attorney or by the court appointing the conservator. The bill  
9 also allows for the appointment of a conservator or guardian on  
10 a standby basis pursuant to Code sections 633.560 and 633.591.

11 WHEN EFFECTIVE. The bill provides specific rules as when  
12 a power of attorney is effective and provides that unless  
13 otherwise provided, the power of attorney is effective when  
14 executed.

15 TERMINATION. A power of attorney terminates upon the  
16 death or incapacity (if not durable) of the principal, upon  
17 revocation by the principal, when the power of attorney  
18 specifies a termination date, when the purpose of the power  
19 of attorney is accomplished, or if the agent dies, becomes  
20 incapacitated, or resigns without a named successor. A general  
21 or plenary power of attorney (authorizing the agent to conduct  
22 all of the principal's personal business and financial affairs)  
23 revokes a general or plenary power of attorney previously  
24 executed in Iowa but does not revoke a power of attorney  
25 limited to a specific purpose if that purpose is still capable  
26 of being fully accomplished by the agent.

27 COAGENTS AND SUCCESSOR AGENTS. A principal may designate  
28 two or more persons to act as coagents and specifies certain  
29 standards for the actions of coagents. A principal may  
30 designate one or more successor agents to act if an agent  
31 resigns, dies, becomes incapacitated, is not qualified to  
32 serve, or declines to serve.

33 REIMBURSEMENT AND COMPENSATION. Unless provided otherwise  
34 in the power of attorney, an agent who is an individual is  
35 entitled to reimbursement for expenses incurred on behalf of

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1 the principal, but not to compensation. An agent that is a  
2 bank or trust company authorized to administer trusts in Iowa  
3 may receive compensation if reasonable under the circumstances.

4 AGENT'S ACCEPTANCE. Unless otherwise provided in the  
5 power of attorney, a person accepts appointment as an agent  
6 by exercising authority, performing duties, or by any other  
7 assertion or conduct indicating acceptance.

8 AGENT'S DUTIES. The bill specifies the fiduciary duties  
9 an agent owes a principal under a power of attorney and  
10 provides that an agent that acts in good faith and with care,  
11 competence, and diligence in the best interest of the principal  
12 shall not be liable for the agent's actions in certain  
13 situations.

14 EXONERATION OF AGENT. The bill provides that a provision  
15 in a power of attorney that relieves an agent of liability for  
16 breach of duty is binding on the principal except for breaches  
17 committed dishonestly, with an improper motive, or with  
18 reckless indifference to the purposes of the power of attorney  
19 or the best interest of the principal or if the provision was  
20 put into the power of attorney as a result of an abuse of a  
21 confidential or fiduciary relationship with the principal.

22 JUDICIAL RELIEF. The bill provides that certain persons may  
23 petition a court to construe a power of attorney or review an  
24 agent's conduct and the costs of the court action shall be paid  
25 by the principal and the principal's estate unless, for good  
26 cause shown, the costs may be assessed against the petitioner  
27 or the agent.

28 AGENT'S LIABILITY. An agent that violates the Code chapter  
29 is liable to the principal or the principal's successors in  
30 interest for the amount required to restore the value of  
31 the principal's property to what it would have been had the  
32 violation not occurred and to reimburse the principal or the  
33 principal's successors in interest for the attorney fees and  
34 costs paid on the agent's behalf.

35 AGENT RESIGNATION. Unless otherwise provided in the

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1 power of attorney, an agent may resign by giving notice to  
2 the principal and if the principal is incapacitated, to a  
3 conservator or guardian, principal's caregiver or other person  
4 with sufficient interest in the welfare of the principal, or to  
5 the appropriate governmental agency.

6 ACCEPTANCE AND RELIANCE UPON ACKNOWLEDGED POWER OF ATTORNEY.  
7 The bill protects persons who in good faith accept and rely on  
8 an acknowledged power of attorney.

9 LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED POWER OF  
10 ATTORNEY. The bill specifies situations where refusals of a  
11 power of attorney are acceptable and unacceptable. A person  
12 that refuses to accept an acknowledged power of attorney in  
13 violation of the bill is subject to a court order mandating  
14 acceptance of the power of attorney and is liable for damages  
15 sustained by the principal and reasonable attorney fees and  
16 costs. Such an action must be brought within one year of the  
17 initial request for acceptance of the power of attorney.

18 OTHER PROVISIONS. The bill includes provisions relating to  
19 the application of principles of law and equity and the laws of  
20 financial institutions, and remedies under other law.

21 AUTHORITY PROVISIONS. The bill distinguishes between grants  
22 of specific authority requiring express language in a power of  
23 attorney and grants of general authority.

24 SPECIFIC GRANT OF AUTHORITY. Specific grants of authority  
25 require specific language granting certain powers to the agent  
26 including powers to create, amend, revoke, or terminate an  
27 inter vivos trust; make a gift; create or change rights of  
28 survivorship; create or change a beneficiary designation;  
29 delegate authority granted under the power of attorney;  
30 waive the principal's right to be a beneficiary of a joint  
31 and survivor annuity, including a survivor benefit under a  
32 retirement plan; exercise fiduciary powers that the principal  
33 has the authority to delegate; and disclaim property, including  
34 a power of appointment.

35 GENERAL GRANT OF AUTHORITY. If a power of attorney grants an

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1 agent authority to do all acts that a principal could do, the  
2 agent has general authority to act on behalf of the principal  
3 with respect to the following subject areas: real property;  
4 tangible personal property; stocks and bonds; commodities and  
5 options; banks and other financial institutions; the operation  
6 of an entity or business; insurance and annuities; estates,  
7 trusts, and other beneficial interests; claims and litigation;  
8 personal and family maintenance; benefits from governmental  
9 programs or civil or military service; retirement plans; taxes;  
10 and gifts. The bill contains specific provisions relating to  
11 the authority granted to an agent in each of the abovementioned  
12 subject areas.

13 CONSTRUCTION OF AUTHORITY. The bill specifies incidental  
14 types of authority that accompany all authority (specific and  
15 general) granted to an agent under a power of attorney, unless  
16 modified in the power of attorney. Such authority includes the  
17 power to demand, receive, and obtain other items of value to  
18 which a principal is or may be entitled; contract on behalf  
19 of a principal; execute, acknowledge, seal, deliver, file,  
20 or record any instrument or communication necessary for a  
21 transaction; initiate, participate in, submit to alternative  
22 dispute resolution, and settle or accept a claim involving  
23 the principal or intervene in litigation involving the claim;  
24 seek court or other assistance to carry out an act authorized  
25 under the power of attorney; engage, compensate, and discharge  
26 certain professional advisors; prepare, execute, and file  
27 certain documents to safeguard the principal's interests;  
28 communicate with government agencies; and access certain  
29 communications including electronic communications intended for  
30 the principal.

31 STATUTORY FORMS. The bill includes suggested statutory  
32 forms for the creation of a power of attorney and for agent  
33 certification of facts relating to a power of attorney  
34 consistent with the provisions of the Code chapter.

35 MISCELLANEOUS PROVISIONS. The bill provides provisions

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1 relating to uniform application and construction, the  
2 applicability of the federal Electronic Signatures in Global  
3 and National Commerce Act, and the effect of the bill on  
4 existing powers of attorney.  
5 REPEAL. The bill repeals current Code chapter 633B and makes  
6 conforming Code changes.



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**House File 2170 - Introduced**

HOUSE FILE 2170  
BY COMMITTEE ON EDUCATION  
  
(SUCCESSOR TO HSB 559)

**A BILL FOR**

1 An Act relating to school instructional time.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5213HV (1) 85  
je/rj



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1 Section 1. Section 256.7, subsection 19, Code 2013, as  
2 amended by 2013 Iowa Acts, chapter 121, section 79, is amended  
3 to read as follows:

4 19. ~~Define~~ For a school or school district with a school  
5 calendar measuring instructional time in days pursuant to  
6 section 279.10, subsection 1, define the minimum school day as  
7 a day consisting of six hours of instructional ~~days or time~~  
8 for grades one through twelve. The minimum hours as time that  
9 shall be exclusive of the lunch period, but may include passing  
10 time between classes. Time spent on parent-teacher conferences  
11 shall be considered instructional time. A school or school  
12 district may record a day of school with less than the minimum  
13 instructional hours as a minimum school day if any of the  
14 following apply:

15 a. If emergency health or safety factors require the late  
16 arrival or early dismissal of students on a specific day.

17 b. If the total hours of instructional school time for  
18 grades one through twelve for any five consecutive school  
19 days equal a minimum of thirty hours, even though any one  
20 day of school is less than the minimum instructional hours  
21 because of a staff development opportunity provided for the  
22 professional instructional staff or because parent-teacher  
23 conferences have been scheduled beyond the regular school day.  
24 Furthermore, if the total hours of instructional time for the  
25 first four consecutive days equal at least thirty hours because  
26 parent-teacher conferences have been scheduled beyond the  
27 regular school day, a school or school district may record zero  
28 hours of instructional time on the fifth consecutive school day  
29 as a minimum school day.

30 Sec. 2. Section 279.10, subsection 4, Code 2014, is amended  
31 to read as follows:

32 4. The director of the department of education may grant  
33 a request made by a board of directors of a school district  
34 or the authorities in charge of an accredited nonpublic  
35 school stating its desire to commence classes for regularly

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1 established elementary and secondary schools prior to the  
2 earliest starting date specified in subsection 1. A request  
3 shall be based upon the determination that a starting date on  
4 or after the earliest starting date specified in subsection 1  
5 would have a significant negative educational impact.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with  
8 the explanation's substance by the members of the general assembly.

9 This bill restores language struck by 2013 Iowa Acts,  
10 chapter 121 (House File 215) that permits a school or school  
11 district with a school calendar measuring instructional  
12 time in days to record a day of school with less than the  
13 minimum instructional hours as a minimum school day for  
14 emergency health or safety factors and for staff development  
15 opportunities and parent-teacher conferences. However, the  
16 bill provides that a minimum school day shall consist of six  
17 hours of instructional time.

18 The bill also provides that the department of education  
19 may grant a request made by the authorities in charge of an  
20 accredited nonpublic school to start school earlier than the  
21 statutory school start date during the calendar week in which  
22 the first day of September falls.



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**House File 2171 - Introduced**

HOUSE FILE 2171  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HF 2062)

**A BILL FOR**

1 An Act authorizing the natural resource commission to issue a  
2 paddlefish fishing license and tag and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5544HV (1) 85  
da/nh



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1 Section 1. Section 483A.1, subsection 1, Code 2014, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *Of.* Paddlefish fishing license,  
4 annual .....\$ 20.00  
5 Sec. 2. Section 483A.1, subsection 2, Code 2014, is amended  
6 by adding the following new paragraph:  
7 NEW PARAGRAPH. *Of.* Paddlefish fishing license,  
8 annual .....\$ 40.00  
9 Sec. 3. NEW SECTION. **483A.6A Paddlefish fishing license and**  
10 **tag.**  
11 1. A resident fishing for paddlefish on the Missouri or  
12 Big Sioux river who is required to have a fishing license  
13 must purchase a paddlefish fishing license, in addition to a  
14 resident fishing license.  
15 2. A nonresident fishing for paddlefish on the Missouri  
16 or Big Sioux river is required to have a fishing license that  
17 is valid in Iowa and, in addition, purchase a nonresident  
18 paddlefish fishing license.  
19 3. The commission shall establish the number of annual  
20 paddlefish fishing licenses that may be issued pursuant to  
21 section 481A.39 for use on the Missouri or Big Sioux river.  
22 A paddlefish fishing license shall be accompanied by a tag  
23 designed to be used only once. If a paddlefish is taken  
24 pursuant to a paddlefish fishing license, the paddlefish shall  
25 be tagged immediately and the tag shall be dated.  
26 Sec. 4. Section 483A.24, subsection 6, Code 2014, is amended  
27 to read as follows:  
28 6. A resident or nonresident of the state under sixteen  
29 years of age is not required to have a license to fish in the  
30 waters of the state. However, residents and nonresidents under  
31 sixteen years of age must pay the trout fishing fee to possess  
32 trout or they must fish for trout with a licensed adult who has  
33 paid the trout fishing fee and limit their combined catch to  
34 the daily limit established by the commission. A resident or  
35 nonresident of the state under sixteen years of age is required



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1 to have a paddlefish fishing license to fish for paddlefish on  
2 the Missouri or Big Sioux river.

3 Sec. 5. Section 805.8B, subsection 3, paragraph c, Code  
4 2014, is amended to read as follows:

5 c. For violations of sections 481A.6, 481A.21, 481A.22,  
6 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,  
7 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections  
8 483A.6A, 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the  
9 scheduled fine is twenty-five dollars.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill authorizes the natural resource commission to  
14 issue paddlefish fishing licenses for use on the Missouri  
15 and Big Sioux rivers pursuant to the commission's powers to  
16 maintain biological balance pursuant to Code section 481A.39.  
17 The license must be accompanied by a tag designed to be used  
18 only once. If a paddlefish is taken pursuant to the license,  
19 the paddlefish shall be tagged and the tag dated.

20 A resident fishing for paddlefish on the Missouri or Big  
21 Sioux river who is required to have a fishing license must  
22 have a resident fishing license and also purchase an annual  
23 paddlefish fishing license that costs \$20.

24 A nonresident fishing for paddlefish on the Missouri or Big  
25 Sioux river must have a fishing license that is valid in Iowa  
26 and also purchase an annual paddlefish fishing license that  
27 costs \$40.

28 A resident or nonresident of the state under 16 years of age  
29 is not required to have a fishing license to fish in the waters  
30 of the state but is required to have a paddlefish fishing  
31 license to fish for paddlefish on the Missouri or Big Sioux  
32 river.

33 A violation of the bill's requirements is punishable by a  
34 scheduled fine of \$25. In addition, a person who illegally  
35 takes a paddlefish must reimburse the state for the value of

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1 the fish in the amount of \$1,000 per fish pursuant to Code  
2 section 481A.130(1)(i)(3).



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**House File 2172 - Introduced**

HOUSE FILE 2172  
BY COMMITTEE ON LABOR  
  
(SUCCESSOR TO HSB 567)

**A BILL FOR**

1 An Act providing for the use of an electronic filing and notice  
2 system by the public employment relations board.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5178HV (1) 85  
je/rj



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H.F. 2172

1 Section 1. Section 20.24, Code 2014, is amended to read as  
2 follows:

3 **20.24 Notice and service — electronic filing system.**

4 ~~Any~~ The board shall by rule establish an electronic filing  
5 system for the filing or service of any notice or other  
6 document required under the provisions of this chapter shall  
7 be in writing, but service thereof shall be sufficient if  
8 mailed by restricted certified mail, return receipt requested,  
9 addressed to the last known address of the intended recipient,  
10 unless or permitted by law to be filed with or served on or  
11 filed or served by the board. Unless otherwise provided in  
12 this chapter by law, the board may by rule require the filing  
13 or service of such notice or other document through the system,  
14 notwithstanding the provisions of chapter 17A concerning  
15 service or filing by mail. Refusal of restricted certified  
16 mail by any party shall be considered service. Any notice  
17 or other document not required by rule to be filed or served  
18 through the system shall be filed or served in accordance with  
19 chapter 17A. Unless otherwise provided in this chapter by law,  
20 prescribed time periods shall commence from the date of the  
21 receipt of the notice filing or service through the system.  
22 ~~Any party may at any time execute and deliver an acceptance of~~  
23 ~~service in lieu of mailed notice.~~

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill requires the public employment relations board to  
28 establish by rule an electronic filing system for the filing or  
29 service of any notice or other document required or permitted  
30 by law to be filed with or served on or filed or served by  
31 the board. The bill permits the board to require by rule,  
32 unless otherwise provided by law, the filing or service of such  
33 notice or other document through the system, notwithstanding  
34 the provisions of the Iowa administrative procedure Act, Code  
35 chapter 17A, concerning service or filing by mail. The bill

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je/rj

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1 specifies that any notice or other document not required by  
2 rule to be filed or served through the system shall be filed or  
3 served in accordance with Code chapter 17A. The bill provides  
4 that prescribed time periods commence from the date of the  
5 filing or service through the system, unless otherwise provided  
6 by law. The bill strikes language in Code chapter 20, the  
7 public employment relations Act, establishing service of notice  
8 by mail as sufficient service of notice.



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House File 2173 - Introduced

HOUSE FILE 2173  
BY S. OLSON

A BILL FOR

1 An Act concerning alcoholic beverage control, by  
2 allowing micro-distilled spirits manufacturers to  
3 sell micro-distilled spirits at retail for on-site  
4 consumption and concerning dramshop liability insurance, and  
5 establishing fees.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.28, Code 2014, is amended to read as  
2 follows:

3 **123.28 Restrictions on transportation.**

4 It is lawful to transport, carry, or convey alcoholic  
5 liquors from the place of purchase by the division to a state  
6 warehouse or depot established by the division or from one such  
7 place to another and, when so permitted by this chapter, it  
8 is lawful for the division, a common carrier, or other person  
9 to transport, carry, or convey alcoholic liquor sold from a  
10 state warehouse, depot, or point of purchase by the state to  
11 any place to which the liquor may be lawfully delivered under  
12 this chapter. The division shall deliver alcoholic liquor  
13 purchased by class "E" liquor control licensees. Class "E"  
14 liquor control licensees may deliver alcoholic liquor purchased  
15 by class "A", "B", or "C" liquor control licensees and class  
16 "C" micro-distilled spirits permittees, and class "A", "B", or  
17 "C" liquor control licensees may transport alcoholic liquor  
18 purchased from class "E" liquor control licensees. A common  
19 carrier or other person shall not break or open or allow to be  
20 broken or opened a container or package containing alcoholic  
21 liquor or use or drink or allow to be used or drunk any  
22 alcoholic liquor while it is being transported or conveyed,  
23 but this section does not prohibit a private person from  
24 transporting individual bottles or containers of alcoholic  
25 liquor exempted pursuant to section 123.22 and individual  
26 bottles or containers bearing the identifying mark prescribed  
27 in section 123.26 which have been opened previous to the  
28 commencement of the transportation. This section does not  
29 affect the right of a special permit or liquor control license  
30 holder to purchase, possess, or transport alcoholic liquors  
31 subject to this chapter.

32 Sec. 2. Section 123.32, subsection 1, Code 2014, is amended  
33 to read as follows:

34 1. *Filing of application.* An application for a class "A",  
35 class "B", class "C", or class "E" liquor control license, for

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1 a class "A" micro-distilled spirits permit, for a class "C"  
2 micro-distilled spirits permit, for a retail beer permit as  
3 provided in sections 123.128 and 123.129, or for a class "B",  
4 class "B" native, or class "C" native retail wine permit as  
5 provided in section 123.178, 123.178A, or 123.178B, accompanied  
6 by the necessary fee and bond, if required, shall be filed with  
7 the appropriate city council if the premises for which the  
8 license or permit is sought are located within the corporate  
9 limits of a city, or with the board of supervisors if the  
10 premises for which the license or permit is sought are located  
11 outside the corporate limits of a city. An application for  
12 a class "D" liquor control license and for a class "A" beer  
13 or class "A" wine permit, accompanied by the necessary fee  
14 and bond, if required, shall be submitted to the division  
15 electronically, or in a manner prescribed by the administrator,  
16 which shall proceed in the same manner as in the case of an  
17 application approved by local authorities.

18 Sec. 3. Section 123.33, Code 2014, is amended to read as  
19 follows:

20 **123.33 Records.**

21 Every holder of a liquor control license or a class "C"  
22 micro-distilled spirits permit shall keep a daily record, in  
23 printed or electronic format, of the gross receipts of the  
24 holder's business. The records required and the premises of  
25 the licensee or permittee shall be accessible and open to  
26 inspection pursuant to section 123.30, subsection 1, during  
27 normal business hours of the licensee or permittee.

28 Sec. 4. Section 123.43A, subsection 2, Code 2014, is amended  
29 to read as follows:

30 2. A micro-distillery shall not sell more than ~~one and~~  
31 ~~one-half~~ nine liters per person per day, of micro-distilled  
32 spirits on the premises of the micro-distillery. In addition,  
33 a micro-distillery shall not directly ship micro-distilled  
34 spirits for sale at retail. The micro-distillery shall  
35 maintain records of individual purchases of micro-distilled

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1 spirits at the micro-distillery for three years.

2 Sec. 5. Section 123.43A, Code 2014, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 4A. Notwithstanding any other provision of  
5 this chapter, a person engaged in the business of manufacturing  
6 micro-distilled spirits may sell micro-distilled spirits at  
7 retail for consumption on the premises of the manufacturing  
8 facility by applying for a class "C" micro-distilled spirits  
9 permit with the authority as provided in section 123.43B. A  
10 manufacturer of micro-distilled spirits may be granted not more  
11 than one class "C" micro-distilled spirits permit.

12 Sec. 6. Section 123.43A, subsection 6, Code 2014, is amended  
13 to read as follows:

14 6. The division shall issue no more than three permits under  
15 this section to a person. In addition, a micro-distillery  
16 issued a permit under this section shall file with the  
17 division, on or before the fifteenth day of each calendar  
18 month, all documents filed by the micro-distillery with the  
19 alcohol and tobacco tax and trade bureau of the United States  
20 department of the treasury, including all production, storage,  
21 and processing reports.

22 Sec. 7. Section 123.43A, subsection 7, Code 2014, is amended  
23 by striking the subsection and inserting in lieu thereof the  
24 following:

25 7. A micro-distillery may sell the micro-distilled spirits  
26 it manufactures at wholesale to customers outside the state.

27 Sec. 8. NEW SECTION. 123.43B **Authority under class "C"**  
28 **micro-distilled spirits permit.**

29 1. A person holding a class "C" micro-distilled spirits  
30 permit for the same location at which the person holds a class  
31 "A" micro-distilled spirits permit may sell its micro-distilled  
32 spirits only at retail to patrons by the individual drink for  
33 consumption on the licensed premises where it was manufactured.

34 2. A person holding a class "C" micro-distilled spirits  
35 permit shall purchase micro-distilled spirits it manufactures

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1 from a class "E" liquor control licensee only.

2 3. A class "C" micro-distilled spirits permit for a  
3 micro-distillery shall be issued and renewed annually upon  
4 payment of a fee of two hundred fifty dollars.

5 Sec. 9. NEW SECTION. 123.43C Class "C" micro-distilled  
6 spirits permit — application contents.

7 Except as otherwise provided in this chapter, a class "C"  
8 micro-distilled spirits permit shall be issued to a person who  
9 complies with all of the following:

10 1. Submits electronically, or in a manner prescribed by the  
11 administrator, an application for the permit and states on the  
12 application under oath:

13 a. The name and place of residence of the applicant and  
14 the length of time the applicant has lived at the place of  
15 residence.

16 b. That the applicant is a citizen of the state of Iowa,  
17 or if a corporation, that the applicant is authorized to do  
18 business in Iowa.

19 c. The location of the class "A" micro-distillery where the  
20 applicant intends to use the permit.

21 d. The name of the owner of the premises, and if that owner  
22 is not the applicant, that the applicant is the actual lessee  
23 of the premises.

24 2. Establishes all of the following:

25 a. That the applicant meets the test of good moral character  
26 as provided in section 123.3, subsection 34.

27 b. That the premises for which the permit is sought is and  
28 will continue to be equipped with sufficient tables and seats  
29 to accommodate twenty-five persons at one time, and in areas  
30 where such business is permitted by any valid zoning ordinance  
31 or will be so permitted on the effective date of the permit.

32 c. Consents to inspection as required in section 123.30,  
33 subsection 1.

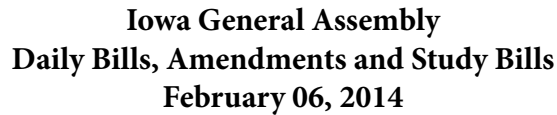
34 Sec. 10. Section 123.92, subsection 2, paragraph a, Code  
35 2014, is amended to read as follows:

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1       a. Every liquor control licensee and, class "B" beer  
2       permittee, class "C" native wine permittee, and class  
3       "C" micro-distilled spirits permittee, except a class "E"  
4       liquor control licensee, shall furnish proof of financial  
5       responsibility by the existence of a liability insurance  
6       policy in an amount determined by the division. If an insurer  
7       provides dramshop liability insurance at a new location to  
8       a licensee or permittee who has a positive loss experience  
9       at other locations for which such insurance is provided by  
10      the insurer, and the insurer bases premium rates at the new  
11      location on the negative loss history of the previous licensee  
12      or permittee at that location, the insurer shall examine and  
13      consider adjusting the premium for the new location not less  
14      than thirty months after the insurance is issued, based on the  
15      loss experience of the licensee or permittee at that location  
16      during that thirty-month period of time.

18           The inclusion of this explanation does not constitute agreement with  
19           the explanation's substance by the members of the general assembly.

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1 and records (123.33), are made applicable to the new class "C"  
2 micro-distilled spirits permit.

3 New Code section 123.43B establishes the authority for a  
4 class "C" micro-distilled spirits permit. The Code section  
5 provides that the permit shall allow the manufacturer to sell  
6 its micro-distilled spirits only at retail to patrons by the  
7 individual drink for consumption on the licensed premises where  
8 it was manufactured, and that the person holding the permit  
9 shall purchase micro-distilled spirits it manufactures from a  
10 class "E" liquor control licensee only. The annual fee for the  
11 permit shall be \$250.

12 New Code section 123.43C provides for the information  
13 necessary for a person to apply for a class "C" micro-distilled  
14 spirits permit. The bill requires the applicant to submit  
15 information regarding the applicant and the location of the  
16 micro-distillery. The application shall also provide that the  
17 applicant is of good moral character and that the premises for  
18 which the permit is sought is authorized to sell spirits for  
19 consumption on the premises by applicable zoning ordinance and  
20 is of sufficient size.

21 Code section 123.92, concerning the dramshop Act, is amended  
22 to provide that a class "C" native wine permittee and a class  
23 "C" micro-distilled spirits permittee shall furnish proof  
24 of financial responsibility by having a liability insurance  
25 policy.



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House File 2174 - Introduced

HOUSE FILE 2174  
BY COMMITTEE ON JUDICIARY  
  
(SUCCESSOR TO HSB 510)

A BILL FOR

1 An Act relating to strip searches at a county jail or municipal  
2 holding facility.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5114HV (2) 85  
jm/nh



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H.F. 2174

1 Section 1. Section 804.30, subsection 1, unnumbered  
2 paragraph 1, Code 2014, is amended to read as follows:  
3 A Except as otherwise provided in subsection 1A, a person  
4 arrested for a scheduled violation or a simple misdemeanor  
5 shall not be subjected to a strip search unless there is  
6 probable cause to believe the person is concealing a weapon or  
7 contraband. A strip search pursuant to this ~~section~~ subsection  
8 shall not be conducted except under all of the following  
9 conditions:

10 Sec. 2. Section 804.30, Code 2014, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 1A. A person arrested for a scheduled  
13 violation or a simple misdemeanor and who is being committed to  
14 the general population of a jail or municipal holding facility  
15 shall be subjected to a strip search at the discretion of the  
16 jail or municipal holding facility authorities.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill relates to strip searches of persons arrested for a  
21 scheduled violation or simple misdemeanor.

22 Current law provides that a person arrested for a scheduled  
23 violation or a simple misdemeanor shall not be subjected to  
24 a strip search unless there is probable cause to believe the  
25 person is concealing a weapon or contraband.

26 The bill adds that if such arrested person for a scheduled  
27 violation or simple misdemeanor is being committed to the  
28 general population of a jail or municipal holding facility, the  
29 person shall be subjected to a strip search at the discretion  
30 of the jail or municipal holding facility authorities.



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House File 2175 - Introduced

HOUSE FILE 2175  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HF 2073)

A BILL FOR

1 An Act relating to the use of telecommunications technology in  
2 terminations of pregnancies, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5558HV (2) 85  
pf/nh





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H.F. 2175

1 Section 1. NEW SECTION. 146A.1 Prohibition of termination  
2 of pregnancy by telecommunications technology — violations.

3 A person shall not cause to be dispensed to a pregnant woman  
4 via telecommunications technology, including but not limited  
5 to a webcam or teleconferencing, any chemical agent or drug  
6 designed to terminate a human pregnancy with the intent that  
7 the pregnant woman will use the chemical agent or drug to  
8 terminate the woman's pregnancy. A person who violates this  
9 section and is regulated by a health profession board pursuant  
10 to chapter 147 is subject to license discipline procedures  
11 and if found in violation shall be subject to the maximum  
12 discipline applicable by the professional licensing board  
13 including but not limited to revocation of licensure and civil  
14 penalties.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the use of telecommunications  
19 technology in the termination of a pregnancy. The bill  
20 prohibits a person from causing to be dispensed to a pregnant  
21 woman via telecommunications technology, including but not  
22 limited to a webcam or teleconferencing, any chemical agent or  
23 drug designed to terminate a human pregnancy with the intent  
24 that the pregnant woman will use the chemical agent or drug  
25 to terminate the woman's pregnancy. A person who violates  
26 the bill and is regulated by a health profession's board is  
27 subject to license discipline procedures and if found in  
28 violation is subject to the maximum discipline applicable by  
29 the professional licensing board including but not limited to  
30 revocation of licensure and civil penalties.



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House Joint Resolution 2005 - Introduced

HOUSE JOINT RESOLUTION 2005  
BY R. OLSON

HOUSE JOINT RESOLUTION

1 A Joint Resolution nullifying racing and gaming commission  
2 rules related to the appeal of certain administrative  
3 actions and including effective date provisions.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5952YH (2) 85  
jr/sc



Iowa General Assembly  
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H.J.R. 2005

1 Section 1. The amendments to 491 Iowa administrative code,  
2 rule 4.10, as appearing in ARC 0734C, as published in the Iowa  
3 administrative bulletin, volume XXXV, number 23, dated May 15,  
4 2013, p. 1775, 1777, are nullified.

5 Sec. 2. EFFECTIVE UPON ENACTMENT. This joint resolution,  
6 being deemed of immediate importance, takes effect upon  
7 enactment.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This joint resolution nullifies amendments to 491 Iowa  
12 administrative code, rule 4.10, relating to the appeal of  
13 administrative actions, adopted by the racing and gaming  
14 commission. Generally, under the licensing provisions of the  
15 commission, track stewards have the authority to discipline,  
16 for violation of the rules, any person subject to their control  
17 and to impose fines or suspensions or both for infractions.  
18 The amendments to rule 4.10 provide that the standard of review  
19 for appeals from such decisions is "abuse of discretion".

20 The administrative rules review committee placed a session  
21 delay on this rulemaking at its June 11, 2013, meeting.

22 The joint resolution takes effect upon enactment.



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House Study Bill 618 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA FINANCE  
AUTHORITY BILL)

A BILL FOR

1 An Act providing for the reorganization of the Code provisions  
2 relating to the Iowa finance authority, revising and  
3 eliminating programs, including the beginning farm loan  
4 program, providing for existing tax credits, providing  
5 for the powers and duties of the authority, and including  
6 effective date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5173XD (17) 85  
da/rj



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 DIVISION I  
2 REORGANIZATION OF THE IOWA FINANCE AUTHORITY  
3 GENERAL PROVISIONS  
4 Section 1. Section 16.1, subsection 1, paragraphs a, f, g,  
5 i, o, aa, ak, and al, Code 2014, are amended by striking the  
6 paragraphs.  
7 Sec. 2. Section 16.1, subsection 1, paragraphs d, n, p, and  
8 af, Code 2014, are amended to read as follows:  
9 d. "Bond" means a bond issued by the authority pursuant to  
10 ~~sections 16.26 to 16.30, this chapter~~ and includes a note or  
11 other instrument evidencing a debt authorized or referred to in  
12 this chapter.  
13 n. "Guiding principles" means the principles provided in  
14 ~~section 16.4 subchapter III~~ which shall be considered for  
15 amplification and interpretation of the goals of the authority.  
16 p. ~~(1)~~ "Housing" means single family and multifamily  
17 dwellings, and facilities incidental or appurtenant to the  
18 dwellings, and includes group homes of fifteen beds or less  
19 licensed as health care facilities or child foster care  
20 facilities and modular or mobile homes which are permanently  
21 affixed to a foundation and are assessed as realty.  
22 ~~(2) "Adequate housing" means housing which meets minimum~~  
23 ~~structural, heating, lighting, ventilation, sanitary,~~  
24 ~~occupancy, and maintenance standards compatible with applicable~~  
25 ~~building and housing codes, as determined under rules of the~~  
26 ~~authority.~~  
27 af. "Programs" "Program" means any program administered  
28 by the authority or any program in which the authority is  
29 directed or authorized to participate pursuant to any statute,  
30 executive order, or interagency agreement, or any other program  
31 participation or administration of which the authority finds  
32 useful and convenient to further the goals and purposes of the  
33 authority. ~~"Program" shall include but not be limited to all~~  
34 ~~of the following:~~  
35 ~~(1) The housing assistance payments program.~~

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- 1     ~~(2) The rent supplements program.~~  
2     ~~(3) The emergency housing fund program.~~  
3     ~~(4) The special housing assistance program.~~  
4     ~~(5) The single-family housing program.~~  
5     ~~(6) The multifamily housing program.~~  
6     ~~(7) The title guaranty program.~~  
7     ~~(8) The housing improvement fund program.~~  
8     ~~(9) The economic development loan program.~~  
9     ~~(10) The Iowa economic development bond bank program.~~  
10    ~~(11) The sewage treatment and drinking facilities financing~~  
11 ~~program.~~  
12    ~~(12) The Iowa tank assistance bond program.~~  
13    ~~(13) The residential treatment facilities program.~~  
14    ~~(14) The E-911 program.~~  
15    ~~(15) The community college dormitory program.~~  
16    ~~(16) The prison infrastructure program.~~  
17    ~~(17) The wastewater treatment financial assistance program.~~  
18    ~~(18) Any other program established by the authority which~~  
19 ~~the authority finds useful and convenient to further goals of~~  
20 ~~the authority and which is consistent with the legislative~~  
21 ~~findings. Such additional programs shall be administered in~~  
22 ~~accordance with the guiding principles of the authority after~~  
23 ~~such notice and hearing as is determined to be reasonable~~  
24 ~~by the authority under the circumstances. Such additional~~  
25 ~~programs shall be administered in accordance with rules, if~~  
26 ~~any, which the authority determines useful and convenient to~~  
27 ~~adopt pursuant to chapter 17A.~~  
28    Sec. 3. Section 16.1, subsection 1, Code 2014, is amended by  
29 adding the following new paragraphs:  
30    NEW PARAGRAPH. *0a. "Adequate housing" means housing which*  
31 *meets minimum structural, heating, lighting, ventilation,*  
32 *sanitary, occupancy, and maintenance standards compatible with*  
33 *applicable building and housing codes, as determined under*  
34 *rules of the authority.*  
35    NEW PARAGRAPH. *0g. "Depreciable property" means personal*

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1 property for which an income tax deduction for depreciation is  
2 allowable in computing federal income tax under the Internal  
3 Revenue Code as defined in section 422.3.

4 NEW PARAGRAPH. *Op.* "*Historic properties*" means landmarks,  
5 landmark sites, or districts which are significant in the  
6 history, architecture, archaeology, or culture of this state,  
7 its communities, or the nation.

8 NEW PARAGRAPH. *Or.* (1) "*Lending institution*" means  
9 any bank, trust company, mortgage company, national banking  
10 association, federal savings association, or life insurance  
11 company; any state or federal governmental agency or  
12 instrumentality; the federal land bank or any of its local  
13 associations; or any other institution authorized to make loans  
14 in this state.

15 (2) "*Lending institution*" includes a financial institution  
16 as defined in section 496B.2, which lends moneys for farming  
17 purposes as provided in subchapter VIII, or for industrial or  
18 business purposes.

19 NEW PARAGRAPH. *Oac.* "*Net worth*" means a person's total  
20 assets minus total liabilities as determined in accordance  
21 with generally accepted accounting principles with appropriate  
22 exceptions and exemptions reasonably related to an equitable  
23 determination of a person's net worth. Assets shall be valued  
24 at fair market value.

25 NEW PARAGRAPH. *Oaj.* "*Secured loan*" means a financial  
26 obligation secured by a chattel mortgage, security agreement,  
27 or other instrument creating a lien on an interest in  
28 depreciable property.

29 NEW PARAGRAPH. *an.* "*Veteran*" means the same as defined in  
30 section 35.1.

31 Sec. 4. Section 16.1, subsection 2, Code 2014, is amended by  
32 striking the subsection.

33 Sec. 5. Section 16.1A, Code 2014, is amended to read as  
34 follows:

35 **16.1A Creation — administration of programs.**

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1     1. The Iowa finance authority is created, and constitutes  
2 a public instrumentality and agency of the state exercising  
3 public and essential governmental functions.  
4     2. The authority shall undertake and administer all of the  
5 following:  
6     a. Programs established under this chapter ~~to assist in~~  
7 ~~attainment of adequate housing for low- or moderate-income~~  
8 ~~families, elderly families, and families which include one or~~  
9 ~~more persons with disabilities, and to undertake the various~~  
10 ~~finance programs under this chapter.~~  
11     b. Programs ~~which assist qualified farmers or agricultural~~  
12 ~~producers, including beginning farmers, as provided in chapter~~  
13 ~~175 established by the authority which the authority finds~~  
14 useful and convenient to further goals of the authority and  
15 which is consistent with the legislative findings. Such  
16 programs shall be administered in accordance with the guiding  
17 principles of the authority after such notice and hearing as  
18 is determined to be reasonable by the authority under the  
19 circumstances. Such additional programs shall be administered  
20 in accordance with rules, if any, which the authority  
21 determines useful and convenient to adopt pursuant to chapter  
22 17A.  
23     3. The Iowa finance authority board of directors shall  
24 have general control, supervision, and regulation of all  
25 ~~authority programs established under this chapter and chapter~~  
26 ~~175 described in this section.~~  
27     4. The authority is charged with the broad administrative  
28 authority to make, administer, interpret, construe, repeal, and  
29 execute the rules, and to administer, interpret, construe, and  
30 execute the laws of this state relating to such programs.  
31     5. The board may, by resolution, delegate to the  
32 agricultural development board, title guaranty division  
33 board, executive director, or other authority employee such  
34 of its powers, under such terms and conditions, as it deems  
35 appropriate.

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1     Sec. 6. Section 16.2, subsection 9, Code 2014, is amended by  
2 striking the subsection.

3     Sec. 7. Section 16.2A, subsection 1, Code 2014, is amended  
4 to read as follows:

5     1. A title guaranty division is created within the  
6 authority. The powers of the division relating to the issuance  
7 of title guaranties are vested in and shall be exercised by  
8 a division board of five members appointed by the governor  
9 subject to confirmation by the senate. The membership of  
10 the board shall include an attorney, an abstractor, a real  
11 estate broker, a representative of a ~~mortgage lender~~ lending  
12 institution, and a representative of the housing development  
13 industry. The executive director of the authority shall  
14 appoint an attorney as director of the title guaranty division,  
15 who shall serve as an ex officio member of the board. The  
16 appointment of and compensation for the division director  
17 are exempt from the merit system provisions of chapter 8A,  
18 subchapter IV.

19     Sec. 8. **NEW SECTION. 16.2B Agricultural development**  
20 **division — administration of programs.**

21     1. An agricultural development division is created  
22 within the authority. The agricultural development division  
23 shall administer subchapter VIII, by providing assistance  
24 to beginning farmers, agricultural producers, displaced  
25 farmers, or other persons qualifying for such assistance under  
26 subchapter VIII.

27     2. The agricultural development division shall be  
28 administered in accordance with the policies of the  
29 agricultural development board created in section 16.2C.  
30 The executive director of the authority may organize the  
31 agricultural development division and employ necessary  
32 qualified personnel to administer subchapter VIII.

33     3. The agricultural development division shall, to  
34 every extent practical, assist such persons to do all of the  
35 following:

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1     *a.* Acquire agricultural land, agricultural improvements,  
2 or depreciable agricultural property, including as provided in  
3 subchapter VIII.  
4     *b.* Obtain agricultural assets transfer tax credits,  
5 including by issuing tax credit certificates pursuant to  
6 subchapter VIII, part 5.  
7     *c.* Obtain financing for other capital requirements or  
8 operating expenses.  
9     4. The net earnings of the agricultural development  
10 division, beyond that necessary for retirement of its notes,  
11 bonds, or other obligations or to implement the public purposes  
12 and programs authorized in subchapter VIII, shall not inure to  
13 the benefit of any person other than the state.  
14     5. *a.* At least two of the authority's full-time equivalent  
15 positions, as defined in section 8.36A, shall be entirely  
16 dedicated to administering programs established pursuant to  
17 subchapter VIII. One of those full-time equivalent positions  
18 shall be dedicated to overseeing the administration of those  
19 programs, and to the extent that the programs are affected, the  
20 full-time equivalent position shall be provided the powers and  
21 duties necessary to do all of the following:  
22         (1) Participate in making managerial decisions.  
23         (2) Provide for outreach and promotion.  
24         (3) Improve delivery of services.  
25     *b.* This subsection is repealed on July 1, 2015.  
26     Sec. 9. NEW SECTION. **16.2C Agricultural development board.**  
27     1. The powers of the agricultural development division,  
28 created within the Iowa finance authority under section 16.2B,  
29 are vested in and shall be exercised by the agricultural  
30 development board as provided in section 16.2B and this  
31 section.  
32     2. The agricultural development board is created to  
33 exercise all powers and perform all duties necessary to  
34 administer subchapter VIII according to policies established  
35 by the Iowa finance authority. The authority shall establish

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1 policies and practices for the division and oversee its  
2 operations. The authority may review or approve decisions  
3 affecting the division or administration of subchapter VIII,  
4 including decisions of the agricultural development board.

5 3. The agricultural development board consists of five  
6 members appointed by the governor subject to confirmation  
7 by the senate. The executive director of the Iowa finance  
8 authority or the executive director's designee shall serve as  
9 an ex officio, nonvoting member.

10 4. The appointed members of the agricultural development  
11 board shall be appointed and retained in office as follows:

12 a. Not more than three members shall belong to the same  
13 political party.

14 b. As far as possible, the governor shall include within  
15 the membership persons who represent lending institutions  
16 experienced in agricultural lending, real estate sales,  
17 farmers, beginning farmers, average taxpayers, local  
18 government, soil and water conservation district officials,  
19 agricultural educators, and other persons specially interested  
20 in family farm development.

21 c. Members shall serve for staggered terms of six years  
22 beginning and ending as provided in section 69.19. A person  
23 appointed to fill a vacancy shall serve only for the unexpired  
24 portion of the member's term. A member is eligible for  
25 reappointment. An appointed member may be removed from office  
26 by the governor for misfeasance, malfeasance, willful neglect  
27 of duty, or other just cause, after notice and hearing, unless  
28 the notice and hearing is expressly waived in writing.

29 5. The agricultural development board shall conduct  
30 business according to all of the following:

31 a. Three appointed members constitute a quorum and the  
32 affirmative vote of a majority of the appointed members is  
33 necessary for any substantive action taken by the board. A  
34 majority of appointed members shall not include any member who  
35 has a conflict of interest and a statement by a member that

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1 the member has a conflict of interest is conclusive for this  
2 purpose. A vacancy in the membership does not impair the right  
3 of a quorum to exercise all rights and perform all duties of  
4 the board.

5 *b.* Meetings of the board shall be held at the call of the  
6 chairperson or whenever two appointed members so request.

7 *c.* The appointed members shall elect a chairperson and vice  
8 chairperson annually, and other officers as they determine.

9 The executive director of the Iowa finance authority or the  
10 executive director's designee shall serve as secretary to the  
11 board.

12 6. An appointed member of the agricultural development  
13 board is entitled to receive a per diem as specified in section  
14 7E.6 for each day spent in performance of duties as a member,  
15 and shall be reimbursed for all actual and necessary expenses  
16 incurred in the performance of duties as a member.

17 7. An appointed member of the agricultural development  
18 board shall give bond as required for public officers in  
19 chapter 64.

20 Sec. 10. NEW SECTION. 16.2D Council on homelessness.

21 1. A council on homelessness is established consisting of  
22 thirty-eight voting members. At least one voting member at all  
23 times shall be a member of a minority group.

24 2. Members of the council shall consist of all of the  
25 following:

26 *a.* Twenty-six members of the general public appointed to  
27 two-year staggered terms by the governor in consultation with  
28 the nominating committee under subsection 4, paragraph "a".

29 (1) Voting members from the general public may include  
30 but are not limited to the following types of individuals  
31 and representatives of the following programs: homeless or  
32 formerly homeless individuals and their family members, youth  
33 shelters, faith-based organizations, local homeless service  
34 providers, emergency shelters, transitional housing providers,  
35 family and domestic violence shelters, private business, local

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1 government, and community-based organizations.

2 (2) Five of the twenty-six voting members selected from the  
3 general public shall be individuals who are homeless, formerly  
4 homeless, or family members of homeless or formerly homeless  
5 individuals.

6 (3) One of the twenty-six members selected from the general  
7 public shall be a representative of the Iowa state association  
8 of counties.

9 (4) One of the twenty-six members selected from the general  
10 public shall be a representative of the Iowa league of cities.

11 b. Twelve agency director members consisting of all of the  
12 following:

13 (1) The director of the department of education or the  
14 director's designee.

15 (2) The director of the economic development authority or  
16 the director's designee.

17 (3) The director of human services or the director's  
18 designee.

19 (4) The attorney general or the attorney general's  
20 designee.

21 (5) The director of the department of human rights or the  
22 director's designee.

23 (6) The director of public health or the director's  
24 designee.

25 (7) The director of the department on aging or the  
26 director's designee.

27 (8) The director of the department of corrections or the  
28 director's designee.

29 (9) The director of the department of workforce development  
30 or the director's designee.

31 (10) The director of the department of public safety or the  
32 director's designee.

33 (11) The director of the department of veterans affairs or  
34 the director's designee.

35 (12) The executive director of the Iowa finance authority or



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1 the executive director's designee.  
2 3. An agency director's designee may vote on council matters  
3 in the absence of the director.  
4 4. a. A nominating committee initially comprised of all  
5 twelve agency director members shall nominate persons to  
6 the governor to fill the general public member positions.  
7 Following appointment of all twenty-six general public members,  
8 the composition of the nominating committee may be modified by  
9 rule.  
10 b. The council may establish other committees and  
11 subcommittees comprised of members of the council.  
12 5. A vacancy on the council shall be filled in the same  
13 manner as the original appointment. A member appointed to fill  
14 a vacancy created other than by expiration of a term shall be  
15 appointed for the remainder of the unexpired term.  
16 6. a. A majority of the members of the council constitutes  
17 a quorum. Any action taken by the council must be adopted by  
18 the affirmative vote of a majority of its membership.  
19 b. The council shall elect a chairperson and vice  
20 chairperson from the membership of the council. The  
21 chairperson and vice chairperson shall each serve two-year  
22 terms. The positions of chairperson and vice chairperson shall  
23 not be held by members who are both either general public  
24 members or agency directors. The position of chairperson shall  
25 rotate between agency director members and general public  
26 members.  
27 c. The council shall meet at least six times per year.  
28 Meetings of the council may be called by the chairperson or by  
29 a majority of the members.  
30 d. General public members shall be reimbursed by the Iowa  
31 finance authority for actual and necessary expenses incurred  
32 while engaged in their official duties.  
33 7. The Iowa finance authority shall provide staff  
34 assistance and administrative support to the council.  
35 8. The duties of the council shall include but are not

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1 limited to the following:

2     *a.* Develop a process for evaluating state policies,  
3 programs, statutes, and rules to determine whether any state  
4 policies, programs, statutes, or rules should be revised to  
5 help prevent and alleviate homelessness.

6     *b.* Evaluate whether state agency resources could be more  
7 efficiently coordinated with other state agencies to prevent  
8 and alleviate homelessness.

9     *c.* Work to develop a coordinated and seamless service  
10 delivery system to prevent and alleviate homelessness.

11     *d.* Use existing resources to identify and prioritize efforts  
12 to prevent persons from becoming homeless and to eliminate  
13 factors that keep people homeless.

14     *e.* Identify and use federal and other funding opportunities  
15 to address and reduce homelessness within the state.

16     *f.* Work to identify causes and effects of homelessness and  
17 increase awareness among policymakers and the general public.

18     *g.* Advise the governor's office, the Iowa finance authority,  
19 state agencies, and private organizations on strategies to  
20 prevent and eliminate homelessness.

21     9. *a.* The council shall make annual recommendations to  
22 the governor regarding matters which impact homelessness on or  
23 before September 15.

24     *b.* The council shall prepare and file with the governor and  
25 the general assembly on or before the first day of December in  
26 each odd-numbered year, a report on homelessness in Iowa.

27     *c.* The council shall assist in the completion of the state's  
28 continuum of care application to the United States department  
29 of housing and urban development.

30     10. *a.* The Iowa finance authority, in consultation with the  
31 council, shall adopt rules pursuant to chapter 17A for carrying  
32 out the duties of the council pursuant to this section.

33     *b.* The council shall establish internal rules of procedure  
34 consistent with the provisions of this section.

35     *c.* Rules adopted or internal rules of procedure established

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1 pursuant to paragraph "a" or "b" shall be consistent with the  
2 requirements of the federal McKinney-Vento Homeless Assistance  
3 Act, 42 U.S.C. §11301 et seq.

4 11. The council shall comply with the requirements of  
5 chapters 21 and 22. The Iowa finance authority shall be the  
6 official repository of council records.

7 Sec. 11. NEW SECTION. 16.2E Legislative findings —  
8 general.

9 The general assembly finds and declares all of the  
10 following:

11 1. The establishment of the authority is in all respects  
12 for the benefit of the people of the state of Iowa, for the  
13 improvement of their health and welfare, and for the promotion  
14 of the economy, which are public purposes.

15 2. The authority will be performing an essential  
16 governmental function in the exercise of the powers and duties  
17 conferred upon it by this chapter.

18 3. All of the purposes stated in this section are public  
19 purposes and uses for which public moneys may be borrowed,  
20 expended, advanced, loaned, or granted.

21 Sec. 12. Section 16.3, subsections 1, 2, 14, 15, 16, 17, and  
22 18, Code 2014, are amended by striking the subsections.

23 Sec. 13. Section 16.4, subsection 7, Code 2014, is amended  
24 to read as follows:

25 7. The authority shall encourage the protection,  
26 restoration and rehabilitation of historic properties, and  
27 the preservation of other properties of special value for  
28 architectural or esthetic reasons. ~~As used in this subsection,~~  
29 ~~"historic properties" means landmarks, landmark sites, or~~  
30 ~~districts which are significant in the history, architecture,~~  
31 ~~archaeology, or culture of this state, its communities, or the~~  
32 ~~nation.~~

33 Sec. 14. NEW SECTION. 16.4A Legislative findings —  
34 agricultural development.

35 The general assembly finds and declares all of the

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1 following:

2 1. There exists a serious problem in this state regarding  
3 the ability of nonestablished farmers to acquire agricultural  
4 land and agricultural improvements and depreciable agricultural  
5 property in order to enter farming.

6 2. This barrier to entry into farming is conducive to  
7 consolidation of acreage of agricultural land with fewer  
8 individuals resulting in a grave threat to the traditional  
9 family farm.

10 3. These conditions result in a loss in population,  
11 unemployment, and a movement of persons from rural communities  
12 to urban areas accompanied by added costs to communities for  
13 creation of new public facilities and services.

14 4. One major cause of this condition has been recurrent  
15 shortages of funds in private channels and the high interest  
16 cost of borrowing.

17 5. These shortages and costs have made the sale and  
18 purchase of agricultural land to beginning farmers a virtual  
19 impossibility in many parts of the state.

20 6. The ordinary operations of private enterprise have not in  
21 the past corrected these conditions.

22 7. A stable supply of adequate funds for agricultural  
23 financing is required to encourage beginning farmers in  
24 an orderly and sustained manner and to reduce the problems  
25 described in this section.

26 8. Article IX, 2nd subarticle, section 3, of the  
27 Constitution of the State of Iowa requires that, "The  
28 General Assembly shall encourage, by all suitable means, the  
29 promotion of intellectual, scientific, moral, and agricultural  
30 improvement," and agricultural improvement and the public good  
31 are served by a policy of facilitating access to capital by  
32 beginning farmers unable to obtain capital elsewhere in order  
33 to preserve, encourage, and protect the family farm which has  
34 been the economic, political, and social backbone of rural  
35 Iowa.

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1     9. It is necessary to create a program to encourage  
2 ownership of farms by beginning farmers by providing purchase  
3 money loans to beginning farmers who are not able to obtain  
4 adequate capital elsewhere to provide such funds and to lower  
5 costs through the use of public financing.

6     10. All of the purposes stated in this section are public  
7 purposes and uses for which public moneys may be borrowed,  
8 expended, advanced, loaned, or granted.

9     11. There exists a serious problem in this state regarding  
10 the ability of farmers to obtain affordable operating loans for  
11 reasonable and necessary expenses and cash flow requirements  
12 of farming.

13    12. Farming is one of the principal pursuits of the  
14 inhabitants of this state. Many other industries and pursuits,  
15 in turn, are wholly dependent upon farming.

16    13. The inability of farmers to obtain affordable operating  
17 loans is conducive to a general decline of the economy in this  
18 state.

19    14. A serious problem continues to exist in this state  
20 regarding the ability of agricultural producers to obtain,  
21 retain, restructure, or service loans or other financing on  
22 a reasonable and affordable basis for operating expenses,  
23 cash flow requirements, and capital asset acquisition or  
24 maintenance.

25    15. Because the Iowa economy is dependent upon the  
26 production and marketing of agricultural produce, the inability  
27 of agricultural producers to obtain, retain, restructure,  
28 or service loans or other financing on a reasonable and  
29 an affordable basis for operating expenses, cash flow  
30 requirements, or capital asset acquisition or maintenance  
31 contributes to a general decline of the state's economy.

32    Sec. 15. NEW SECTION. 16.4B Guiding principles —  
33 agricultural development.

34    In the performance of its duties, implementation of its  
35 powers, and selection of specific programs and projects to

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1 receive its assistance under subchapter VIII, the authority  
2 shall be guided by the following principles:

3 1. The authority shall not become an owner of real or  
4 depreciable property, except on a temporary basis where  
5 necessary in order to implement its programs, to protect its  
6 investments by means of foreclosure or other means, or to  
7 facilitate transfer of real or depreciable property for the use  
8 of beginning farmers.

9 2. The authority shall exercise diligence and care in  
10 selection of projects to receive its assistance and shall apply  
11 customary and acceptable business and lending standards in  
12 selection and subsequent implementation of the projects. The  
13 authority may delegate primary responsibility for determination  
14 and implementation of the projects to any federal governmental  
15 agency which assumes any obligation to repay the loan, either  
16 directly or by insurance or guaranty.

17 3. The authority shall establish a beginning farmer  
18 loan program to aid beginning farmers in the acquisition of  
19 agricultural land and improvements and depreciable agricultural  
20 property.

21 4. The authority shall develop programs for providing  
22 financial assistance to agricultural producers in this state.

23 Sec. 16. NEW SECTION. 16.4C Legislative findings — title  
24 guaranty.

25 The general assembly finds and declares that the abstract  
26 attorney's title opinion system promotes land title stability  
27 for determining the marketability of land titles and is a  
28 public purpose. A public purpose will be served by providing,  
29 as an adjunct to the abstract attorney's title opinion system,  
30 a low-cost mechanism to provide for additional guaranties  
31 of real property titles in Iowa. The title guaranties will  
32 facilitate mortgage lenders' participation in the secondary  
33 market and add to the integrity of the land-title transfer  
34 system in the state.

35 Sec. 17. NEW SECTION. 16.4D Legislative findings —

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1 **economic development.**

2 The general assembly finds and declares all of the  
3 following:

4 1. Economic development and expansion of business,  
5 industry, and farming in the state is dependent upon the  
6 availability of financing of the development and expansion at  
7 affordable interest rates.

8 2. The pooling of private financing enhances the  
9 marketability of the obligations involved and increases access  
10 to other state, regional, and national credit markets.

11 3. The creation of an economic development program as  
12 provided in section 16.102 will make the pooling of private  
13 financing available to small businesses, farmers, agricultural  
14 landowners and operators, and commercial, industrial, and other  
15 business enterprises at favorable interest rates with reduced  
16 marketing costs.

17 Sec. 18. Section 16.5, subsection 1, paragraph p, Code 2014,  
18 is amended to read as follows:

19 *p.* Through the Iowa title guaranty division, make and issue  
20 title guaranties on Iowa real property in a form acceptable  
21 to the secondary market, to fix and collect the charges for  
22 the guaranties and to procure reinsurance against any loss in  
23 connection with the guaranties.

24 Sec. 19. Section 16.5C, subsections 6 and 8, Code 2014, are  
25 amended to read as follows:

26 6. Renegotiate a mortgage loan or loan to a ~~mortgage lender~~  
27 lending institution in default; waive a default or consent to  
28 the modification of the terms of a mortgage loan or a loan to a  
29 ~~mortgage lender~~ lending institution; forgive or forbear all or  
30 part of a mortgage loan or a loan to a ~~mortgage lender~~ lending  
31 institution; and commence, prosecute, and enforce a judgment  
32 in any action, including but not limited to a foreclosure  
33 action, to protect or enforce any right conferred upon the  
34 authority by law, mortgage loan agreement, contract, or other  
35 agreement, and in connection with any such action, bid for and

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1 purchase the property or acquire or take possession of it,  
2 complete, administer, and pay the principal of and interest on  
3 any obligations incurred in connection with the property, and  
4 dispose of and otherwise deal with the property in a manner as  
5 the authority deems advisable to protect its interests.  
6 8. Purchase, and make advance commitments to purchase,  
7 residential mortgage loans from ~~mortgage lenders~~ lending  
8 institutions at prices and upon terms and conditions it  
9 determines consistent with its goals and legislative findings.  
10 However, the total purchase price for all residential  
11 mortgage loans which the authority commits to purchase from  
12 a ~~mortgage lender~~ lending institution at any one time shall  
13 not exceed the total of the unpaid principal balances of the  
14 residential mortgage loans purchased. ~~Mortgage lenders~~ Lending  
15 institutions are authorized to sell residential mortgage loans  
16 to the authority in accordance with this section and the rules  
17 of the authority. The authority may charge a ~~mortgage lender~~  
18 lending institution a commitment fee or other fees as set by  
19 rule as a condition for the authority purchasing residential  
20 mortgage loans.  
21 Sec. 20. NEW SECTION. 16.5D **Specific powers and duties —**  
22 **agricultural development.**  
23 The authority has all of the general and specific powers  
24 needed to carry out its purposes and duties as provided in  
25 this subchapter, and to exercise its specific powers under  
26 subchapter VIII.  
27 Sec. 21. Section 16.7, Code 2014, is amended to read as  
28 follows:  
29 **16.7 Annual report.**  
30 1. The authority shall submit to the governor and to the  
31 general assembly, not later than January 15 each year, ~~a~~ an  
32 annual report.  
33 2. A complete report shall include at least three parts  
34 which include all of the following:  
35 a. A general description of the authority setting forth:

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1     ~~a.~~ (1) Its operations and accomplishments.  
2     ~~b.~~ (2) Its receipts and expenditures during the fiscal  
3 year, in accordance with the classifications it establishes for  
4 its operating and capital accounts.  
5     ~~c.~~ (3) Its assets and liabilities at the end of its fiscal  
6 year and the status of reserve, special, and other funds.  
7     ~~d.~~ (4) A schedule of its bonds and notes outstanding at  
8 the end of its fiscal year, together with a statement of the  
9 amounts redeemed and issued during its fiscal year.  
10    ~~e.~~ (5) A statement of its proposed and projected  
11 activities.  
12    ~~f.~~ (6) Recommendations to the general assembly, as it deems  
13 necessary.  
14    ~~g.~~ ~~An analysis of current housing needs in the state.~~  
15    ~~2.~~ ~~The annual report shall identify performance~~  
16    (7) Performance goals of the authority, and clearly  
17 indicate indicating the extent of progress during the reporting  
18 period, in attaining the goals.  
19    b. A summary of housing programs administered under this  
20 chapter. The summary shall include an analysis of current  
21 housing needs in this state. Where possible, results shall be  
22 expressed in terms of housing units.  
23    c. A summary of agricultural development programs  
24 administered under subchapter VIII. Where possible, findings  
25 and results shall be expressed in terms of number of loans, tax  
26 credits, participating qualified beginning farmers, and acres  
27 of agricultural land, including by county.  
28    Sec. 22. Section 16.9, Code 2014, is amended to read as  
29 follows:  
30    **16.9 Nondiscrimination and affirmative action.**  
31    1. In administering housing programs under this chapter,  
32 all of the following shall apply:  
33    a. Housing financed or otherwise assisted by the authority,  
34 directly or indirectly, shall be open to all persons regardless  
35 of race, creed, color, sex, national origin, age, physical or

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1 mental impairment, or religion except that preference may be  
2 given to elderly families, families which include one or more  
3 persons with disabilities, lower income families, or very low  
4 income families.

5 ~~2-~~ b. The authority shall promote marketing plans to make  
6 housing available to all persons without discrimination.

7 ~~3-~~ c. The authority shall require adoption and submission  
8 of an affirmative action program for employment by all  
9 contractors and subcontractors of housing financed or otherwise  
10 assisted by the authority.

11 ~~4-~~ d. The authority shall require all ~~mortgage lenders who~~  
12 lending institutions which participate in programs financed  
13 or otherwise assisted by ~~it~~ the authority to agree that they  
14 will not designate certain areas as unsuitable for the making  
15 of mortgage loans because of the prevailing income, racial,  
16 ethnic, or other characteristics of the inhabitants of the  
17 area. This ~~subsection~~ paragraph is intended to prohibit all  
18 ~~mortgage lenders who~~ lending institutions which participate in  
19 authority programs from engaging in the practice commonly known  
20 as "~~redlining~~" redlining.

21 ~~5-~~ e. The authority may require ~~mortgage lenders who~~  
22 lending institutions which participate in programs financed or  
23 otherwise assisted by the authority to take affirmative action  
24 to make mortgage loans in areas with a higher than average  
25 concentration of lower income families or members of racial or  
26 ethnic minorities.

27 2. In administering agricultural development programs under  
28 subchapter VIII, all of the following apply:

29 a. The opportunity to acquire agricultural land and  
30 agricultural improvements and depreciable agricultural property  
31 financed or otherwise assisted by the authority, directly or  
32 indirectly, shall be open to all persons regardless of race,  
33 creed, color, sex, national origin, age, physical or mental  
34 impairment, or religion.

35 b. The authority shall promote marketing plans for its

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1 programs under subchapter VIII.

2 Sec. 23. NEW SECTION. 16.11 **Assistance by state officers,**  
3 **agencies, and departments.**

4 State officers and state departments and agencies may render  
5 services to the authority within their respective functions as  
6 requested by the authority.

7 Sec. 24. NEW SECTION. 16.13 **Conflicts of interest.**

8 1. *a.* If a member or employee of the authority other than  
9 the executive director of the authority has an interest, either  
10 direct or indirect, in a contract to which the authority is,  
11 or is to be, a party, or in a mortgage lender requesting a loan  
12 from, or offering to sell mortgage loans to, the authority,  
13 the interest shall be disclosed to the authority in writing  
14 and shall be set forth in the minutes of the authority. The  
15 member or employee having the interest shall not participate  
16 in any action of the authority with respect to that contract  
17 or mortgage lender.

18 *b.* A violation of a provision of this subsection is  
19 misconduct in office under section 721.2. However, a  
20 resolution of the authority is not invalid because of a vote  
21 cast by a member in violation of this subsection unless the  
22 vote was decisive in the passage of the resolution.

23 *c.* For the purposes of this subsection, "*action of the*  
24 *authority with respect to that contract or mortgage lender*"  
25 means only an action directly affecting a separate contract or  
26 mortgage lender, and does not include an action which benefits  
27 the general public or which affects all or a substantial  
28 portion of the contracts or mortgage lenders included in a  
29 program of the authority.

30 2. Nothing in this section shall be deemed to limit the  
31 right of a member, officer, or employee of the authority to  
32 acquire an interest in bonds or notes of the authority or to  
33 limit the right of a member, officer, or employee other than  
34 the executive director to have an interest in a financial  
35 institution, including a lending institution, in which the

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1 funds of the authority are, or are to be, deposited or which  
2 is, or is to be, acting as trustee or paying agent under a trust  
3 indenture to which the authority is a party.

4 3. The executive director shall not have an interest in  
5 a financial institution, including a lending institution, in  
6 which the funds of the authority are, or are to be, deposited  
7 or which is, or is to be, acting as trustee or paying agent  
8 under a trust indenture to which the authority is a party. The  
9 executive director shall not receive, in addition to fixed  
10 salary or compensation, any money or valuable thing, either  
11 directly or indirectly, or through any substantial interest  
12 in any other corporation or business unit, for negotiating,  
13 procuring, recommending, or aiding in any purchase or sale  
14 of property, or loan, made by the authority, nor shall the  
15 executive director be pecuniarily interested, either as  
16 principal, coprincipal, agent, or beneficiary, either directly  
17 or indirectly, or through any substantial interest in any other  
18 corporation or business unit, in any such purchase, sale, or  
19 loan.

20 Sec. 25. NEW SECTION. 16.16 Liability.

21 1. A member of the authority, or a person acting on behalf  
22 of the authority while acting within the scope of the member's  
23 or person's agency or employment, is not subject to personal  
24 liability resulting from carrying out the powers and duties in  
25 this chapter.

26 2. The United States and the secretary of agriculture of  
27 the United States are not subject to liability by virtue of the  
28 transfer of the assets to the authority under this chapter.

29 3. The treasurer of state shall not be subject to personal  
30 liability resulting from carrying out the powers and duties  
31 of the authority or the treasurer of state, as applicable, in  
32 subchapter X, part 15.

33 Sec. 26. NEW SECTION. 16.17 Further definitions.

34 The authority may establish by rule further definitions  
35 applicable to this chapter, and clarification of the

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1 definitions in this chapter, as it deems convenient and  
2 necessary to carry out the public purposes of this chapter  
3 including all the following:

4 1. Any rules necessary to assure eligibility for funds  
5 available under federal housing laws, or to assure compliance  
6 with federal tax laws relating to the issuance of tax exempt  
7 bonds pursuant to the Internal Revenue Code or relating to the  
8 allowance of low-income credits under Internal Revenue Code  
9 §42.

10 2. Any rule as necessary to assure eligibility for funds,  
11 insurance, or guaranties available under federal laws and to  
12 carry out the public purposes of subchapter VIII.

13 Sec. 27. NEW SECTION. 16.18 **Inconsistent provisions.**

14 This chapter takes precedence over any conflicting  
15 provisions contained in section 535.8, subsection 2, with  
16 respect to the use or enforcement of a due-on-sale or similar  
17 clause in a mortgage loan agreement, and takes precedence over  
18 any conflicting provisions contained in laws enacted after  
19 July 1, 1981, with respect to the use or enforcement of a  
20 due-on-sale or similar clause in a mortgage loan agreement  
21 unless those laws expressly provide that they take precedence  
22 over this chapter.

23 Sec. 28. NEW SECTION. 16.19 **Liberal interpretation.**

24 This chapter, being necessary for the welfare of this state  
25 and its inhabitants, shall be liberally construed to effect its  
26 purposes.

27 Sec. 29. NEW SECTION. 16.22 **Application of funds from sales**  
28 **of obligations.**

29 All moneys received by or on behalf of the authority, whether  
30 as proceeds from the sale of obligations or as revenues, are  
31 trust funds to be held and applied solely for the purposes  
32 specified in the appropriation, bond resolution, or other  
33 document authorizing receipt of the moneys by the authority.  
34 A person with which the moneys are deposited shall act as  
35 trustee of the moneys and shall hold and apply the moneys for

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1 the purposes specified in this chapter subject to limitations  
2 specified in this chapter and in the bond resolution  
3 authorizing the issuance of the obligations.

4 Sec. 30. Section 16.26, subsection 4, paragraph a, Code  
5 2014, is amended to read as follows:

6 a. State the date and series of the issue, ~~be consecutively~~  
7 ~~numbered~~, and state ~~on their face~~ that they are payable both  
8 as to principal and interest solely out of the assets of the  
9 authority and do not constitute an indebtedness of this state  
10 or any political subdivision of this state other than the  
11 authority within the meaning of any constitutional or statutory  
12 debt limit.

13 Sec. 31. Section 16.26, subsections 5 and 6, Code 2014, are  
14 amended to read as follows:

15 5. The authority may issue its bonds for the purpose of  
16 refunding any bonds or notes ~~of the authority~~ then outstanding,  
17 including the payment of any redemption premiums thereon and  
18 any interest accrued or to accrue to the date of redemption  
19 of the outstanding bonds or notes. Until the proceeds  
20 of bonds issued for the purpose of refunding outstanding  
21 bonds or notes are applied to the purchase or retirement of  
22 outstanding bonds or notes or the redemption of outstanding  
23 bonds or notes, the proceeds may be placed in escrow and be  
24 invested and reinvested in accordance with the provisions of  
25 this chapter. The interest, income, and profits earned or  
26 realized on an investment may also be applied to the payment  
27 of the outstanding bonds or notes to be refunded by purchase,  
28 retirement, or redemption. After the terms of the escrow have  
29 been fully satisfied and carried out, any balance of proceeds  
30 and interest earned or realized on the investments may be  
31 returned to the authority for use by it in any lawful manner.  
32 All refunding bonds shall be issued and secured and subject to  
33 the provisions of this chapter in the same manner and to the  
34 same extent as other bonds issued pursuant to this chapter.

35 6. The authority may issue negotiable bond anticipation

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1 notes and may renew them from time to time but the maximum  
2 maturity of the notes, including renewals, shall not exceed  
3 ten years from the date of issue of the original notes. ~~Notes~~  
4 Bond anticipation notes are payable from any available moneys  
5 of the authority not otherwise pledged, or from the proceeds  
6 of the sale of bonds of the authority in anticipation of  
7 which the bond anticipation notes were issued. ~~Notes~~ Bond  
8 anticipation notes may be issued for any corporate purpose  
9 of the authority. ~~Notes~~ Bond anticipation notes shall be  
10 issued in the same manner as bonds, and bond anticipation  
11 notes, and the resolution authorizing them may contain any  
12 provisions, conditions, or limitations, not inconsistent  
13 with the provisions of this subsection, which the bonds or  
14 a bond resolution of the authority may contain. ~~Notes~~ Bond  
15 anticipation notes may be sold at public or private sale. In  
16 case of default on its bond anticipation notes or violation  
17 of any obligations of the authority to the noteholders, the  
18 noteholders shall have all the remedies provided in this  
19 chapter for bondholders. ~~Notes~~ Bond anticipation notes shall  
20 be as fully negotiable as bonds of the authority.

21 Sec. 32. Section 16.26, subsection 7, Code 2014, is amended  
22 by striking the subsection and inserting in lieu thereof the  
23 following:

24 7. It is the intention of the general assembly that a pledge  
25 made in respect of bonds or notes shall be valid and binding  
26 from the time the pledge is made, that the money or property  
27 so pledged and received after the pledge by the authority  
28 shall immediately be subject to the lien of the pledge without  
29 physical delivery or further act, and that the lien of the  
30 pledge shall be valid and binding as against all parties having  
31 claims of any kind in tort, contract, or otherwise against  
32 the authority whether or not the parties have notice of the  
33 lien. Neither the resolution, trust agreement, nor any other  
34 instrument by which a pledge is created needs to be recorded or  
35 filed under the Iowa uniform commercial code, chapter 554, to

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1 be valid, binding, or effective against the parties.

2 Sec. 33. Section 16.26, Code 2014, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 10. It is the intention of the general  
5 assembly that a pledge made in respect of bonds or notes shall  
6 be valid and binding from the time the pledge is made, that  
7 the money or property so pledged and received after the pledge  
8 by the authority shall immediately be subject to the lien of  
9 the pledge without physical delivery or further act, and that  
10 the lien of the pledge shall be valid and binding as against  
11 all parties having claims of any kind in tort, contract, or  
12 otherwise against the authority whether or not the parties have  
13 notice of the lien. Neither the resolution, trust agreement,  
14 nor any other instrument by which a pledge is created needs to  
15 be recorded or filed under the Iowa uniform commercial code,  
16 chapter 554, to be valid, binding, or effective against the  
17 parties.

18 Sec. 34. Section 16.27, Code 2014, is amended by adding the  
19 following new subsections:

20 NEW SUBSECTION. 3A. To assure the continued operation  
21 and solvency of the authority for the carrying out of its  
22 corporate purposes, provision is made in subsection 1 for the  
23 accumulation in each bond reserve fund of an amount equal to  
24 the bond reserve fund requirement for the fund. In order  
25 further to assure maintenance of the bond reserve funds, the  
26 chairperson of the authority shall, on or before July 1 of each  
27 calendar year, make and deliver to the governor a certificate  
28 stating the sum, if any, required to restore each bond reserve  
29 fund to its bond reserve fund requirement. Within thirty days  
30 after the beginning of the session of the general assembly  
31 next following the delivery of the certificate, the governor  
32 may submit to both houses printed copies of a budget including  
33 any sum required to restore each bond reserve fund to its bond  
34 reserve fund requirement. Sums appropriated by the general  
35 assembly and paid to the authority under this section shall be

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1 deposited by the authority in the applicable bond reserve fund.  
2 NEW SUBSECTION. 3B. Amounts paid over to the authority  
3 by the state pursuant to the provisions of this section shall  
4 constitute and be accounted for as advances by the state to  
5 the authority and, subject to the rights of the holders of any  
6 bonds or notes of the authority, shall be repaid to the state  
7 without interest from all available operating revenues of the  
8 authority in excess of amounts required for the payment of  
9 bonds, notes, or obligations of the authority, the bond reserve  
10 fund, and operating expenses.

11 NEW SUBSECTION. 3C. In the event that the principal amount  
12 of any bonds or notes deposited in a bond reserve fund is  
13 withdrawn for payment of principal or interest thereby reducing  
14 the amount of that fund to less than the bond reserve fund  
15 requirement, the authority shall immediately notify the general  
16 assembly of this event and shall take steps to restore the  
17 fund to its bond reserve fund requirement from any amounts  
18 available, other than principal of a bond issue, which are not  
19 pledged to the payment of other bonds or notes.

20 Sec. 35. NEW SECTION. 16.27A Powers relating to loans.  
21 Subject to any agreement with bondholders or noteholders,  
22 the authority may renegotiate a mortgage or secured loan or  
23 a loan to a lending institution in default, waive a default  
24 or consent to the modification of the terms of a mortgage or  
25 secured loan or a loan to a lending institution, forgive or  
26 forbear all or part of a mortgage or secured loan or a loan to  
27 a lending institution, and commence, prosecute, and enforce  
28 a judgment in any action, including but not limited to a  
29 foreclosure action, to protect or enforce any right conferred  
30 upon it by law, mortgage or secured loan agreement, contract  
31 or other agreement, and in connection with any action, bid for  
32 and purchase the property or acquire or take possession of it,  
33 complete, administer, pay the principal of and interest on  
34 any obligations incurred in connection with the property, and  
35 dispose of and otherwise deal with the property in a manner the

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1 authority deems advisable to protect its interests.

2 Sec. 36. NEW SECTION. 16.29 **Agreement of the state.**

3 The state pledges and agrees with the holders of any bonds or  
4 notes that the state will not limit or alter the rights vested  
5 in the authority to fulfill the terms of agreements made with  
6 the holders or in any way to impair the rights and remedies of  
7 the holders until the bonds or notes together with the interest  
8 on them, plus interest on unpaid installments of interest,  
9 and all costs and expenses in connection with an action by or  
10 on behalf of the holders are fully met and discharged. The  
11 authority may include this pledge and agreement of the state in  
12 any agreement with the holders of bonds or notes.

13 Sec. 37. NEW SECTION. 16.32 **Surplus moneys — loan and**  
14 **grant fund.**

15 1. Moneys declared by the authority to be surplus moneys  
16 which are not required to service bonds and notes issued by the  
17 authority, to pay administrative expenses of the authority,  
18 or to accumulate necessary operating or loss reserves, shall  
19 be used by the authority to provide grants, loans, subsidies,  
20 and services or assistance through programs authorized in this  
21 chapter.

22 2. The authority may establish a loan and grant fund which  
23 may be comprised of the proceeds of appropriations, grants,  
24 contributions, surplus moneys transferred as provided in this  
25 section, and repayment of authority loans made from such fund.

26 Sec. 38. NEW SECTION. 16.34A **Special definition.**

27 As used in this subchapter, unless the context otherwise  
28 requires, "*state housing credit ceiling*" means the state  
29 housing credit ceiling as defined in Internal Revenue Code  
30 §42(h)(3)(C).

31 Sec. 39. NEW SECTION. 16.35 **State housing credit ceiling**  
32 **allocation.**

33 1. The authority is designated the housing credit agency  
34 for the allowance of low-income housing credits under the state  
35 housing credit ceiling.

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1     2. The authority shall adopt rules and allocation  
2 procedures which will ensure the maximum use of available tax  
3 credits in order to encourage development of low-income housing  
4 in the state. The authority shall consider the following  
5 factors in the adoption and application of the allocation  
6 rules:

- 7     a. Timeliness of the application.  
8     b. Location of the proposed housing project.  
9     c. Relative need in the proposed area for low-income  
10 housing.  
11     d. Availability of low-income housing in the proposed area.  
12     e. Economic feasibility of the proposed project.  
13     f. Ability of the applicant to proceed to completion of the  
14 project in the calendar year for which the credit is sought.

15     3. a. The authority shall adopt rules specifying the  
16 application procedure and the allowance of low-income housing  
17 credits under the state housing credit ceiling.  
18     b. The authority shall not allow more than ninety percent of  
19 the low-income housing credits under the state housing credit  
20 ceiling to projects other than qualified low-income housing  
21 projects as defined in Internal Revenue Code §42(h)(5)(B).

22     Sec. 40. NEW SECTION. 16.36 Participation in federal  
23 housing assistance payments program.

24     The authority shall participate in the housing assistance  
25 payments program under section 8 of the United States Housing  
26 Act of 1937, as amended by §201 of the Housing and Community  
27 Development Act of 1974, Pub. L. No. 93-383, codified at 42  
28 U.S.C. §1437 et seq.

29     Sec. 41. NEW SECTION. 16.38 Loans to lending institutions.

30     1. The authority may make, and contract to make, loans to  
31 lending institutions on terms and conditions as the authority  
32 determines which are reasonably related to protecting the  
33 security of the authority's investment and to implementing the  
34 purposes of this chapter, and subject to this section, and  
35 all lending institutions are authorized to borrow from the

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1 authority in accordance with the provisions of this section and  
2 the rules of the authority.

3     2. The authority shall require as a condition of each  
4 loan to a lending institution that the lending institution,  
5 within a reasonable period after receipt of the loan proceeds  
6 as the authority prescribes by rule, shall have entered into  
7 written commitments to make, and, within a reasonable period  
8 thereafter as the authority prescribes by rule, shall have  
9 disbursed the loan proceeds in new mortgage loans to low or  
10 moderate income families in an aggregate principal amount equal  
11 to the amount of the loan. New mortgage loans shall have terms  
12 and conditions as the authority prescribes by rules which  
13 are reasonably related to implementing the purposes of this  
14 chapter.

15     3. The authority shall require the submission to the  
16 authority by each lending institution to which the authority  
17 has made a loan, of evidence satisfactory to the authority of  
18 the making of new mortgage loans to low or moderate income  
19 families as required by this section, and in that connection  
20 may, through its members, employees, or agents, inspect the  
21 books and records of a lending institution.

22     4. Compliance by a lending institution with the terms of  
23 its agreement with the authority with respect to the making  
24 of new mortgage loans to low or moderate income families may  
25 be enforced by decree of any district court of this state.  
26 The authority may require as a condition of a loan to a  
27 national banking association or a federally chartered savings  
28 and loan association, the consent of the association to the  
29 jurisdiction of courts of this state over any such proceeding.  
30 The authority may also require, as a condition of a loan to  
31 a lending institution, agreement by the lending institution  
32 to the payment of penalties to the authority for violation by  
33 the lending institution of its agreement with the authority,  
34 and the penalties shall be recoverable at the suit of the  
35 authority.

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1     5. The authority shall require that each lending  
2 institution receiving a loan pursuant to this section  
3 shall issue and deliver to the authority an evidence of its  
4 indebtedness to the authority which shall constitute a general  
5 obligation of the lending institution and shall bear a date,  
6 mature at a time, be subject to prepayment, and contain other  
7 provisions consistent with this section and reasonably related  
8 to protecting the security of the authority's investment, as  
9 the authority determines.

10    6. Notwithstanding any other provision of this section to  
11 the contrary, the interest rate and other terms of loans to  
12 lending institutions made from the proceeds of an issue of  
13 bonds or notes of the authority shall be at least sufficient  
14 to assure the payment of the bonds or notes and the interest on  
15 them as they become due.

16    7. The authority shall require that loans to lending  
17 institutions are additionally secured as to payment of both  
18 principal and interest by a pledge of and lien upon collateral  
19 security by special escrow funds or other forms of guaranty and  
20 in such amounts and forms as the authority shall by resolution  
21 determine to be necessary to assure the payment of the loans  
22 and the interest thereon as they become due. Collateral  
23 security shall consist of direct obligations of, or obligations  
24 guaranteed by, the United States or one of its agencies,  
25 obligations satisfactory to the authority which are issued by  
26 other federal agencies, direct obligations of or obligations  
27 guaranteed by a state or a political subdivision of a state, or  
28 investment quality obligations approved by the authority.

29    8. The authority may require that collateral for loans  
30 be deposited with a bank, trust company, or other financial  
31 institution acceptable to the authority located in this state  
32 and designated by the authority as custodian. In the absence  
33 of such a requirement, each lending institution shall enter  
34 into an agreement with the authority containing provisions  
35 as the authority deems necessary to adequately identify and

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1 maintain the collateral, service the collateral, and require  
2 the lending institution to hold the collateral as an agent  
3 for the authority and be accountable to the authority as the  
4 trustee of an express trust for the application and disposition  
5 of the collateral and the income from it. The authority may  
6 also establish additional requirements as the authority deems  
7 necessary with respect to the pledging, assigning, setting  
8 aside, or holding of collateral and the making of substitutions  
9 for it or additions to it and the disposition of income and  
10 receipts from it.

11 9. The authority may require as a condition of loans to  
12 lending institutions, any representations and warranties the  
13 authority determines are necessary to secure the loans and  
14 carry out the purposes of this section.

15 10. If a provision of this section is inconsistent with a  
16 provision of law of this state governing lending institutions,  
17 the provision of this section controls for the purposes of this  
18 section.

19 Sec. 42. **NEW SECTION. 16.39 Purchase of mortgage loans.**

20 1. The authority may purchase, and make advance commitments  
21 to purchase, mortgage loans from lending institutions at prices  
22 and upon terms and conditions as the authority determines  
23 subject to this section. However, the total purchase price  
24 for all mortgage loans which the authority commits to purchase  
25 from a lending institution at any one time shall not exceed  
26 the total of the unpaid principal balances of the mortgage  
27 loans purchased. Lending institutions are authorized to  
28 sell mortgage loans to the authority in accordance with the  
29 provisions of this section and the rules of the authority.

30 2. The authority shall require as a condition of purchase  
31 of mortgage loans from lending institutions that the lending  
32 institutions, within a reasonable period after receipt of the  
33 purchase price as the authority prescribes by rule, shall enter  
34 into written commitments to loan and, within a reasonable  
35 period thereafter as the authority prescribes by rule, shall

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1 loan an amount equal to the entire purchase price of the  
2 mortgage loans, on new mortgage loans to low or moderate  
3 income families or certify that mortgage loans purchased are  
4 mortgage loans made to low or moderate income families. New  
5 mortgage loans to be made by lending institutions shall have  
6 terms and conditions as the authority prescribes by rule. The  
7 authority may make a commitment to purchase mortgage loans  
8 from lending institutions in advance of the time such loans  
9 are made by lending institutions. The authority shall require  
10 as a condition of such commitment that lending institutions  
11 certify in writing that all mortgage loans represented by the  
12 commitment will be made to low or moderate income families, and  
13 that other authority specifications will be complied with.

14 3. The authority shall require the submission to the  
15 authority by each lending institution from which the authority  
16 has purchased mortgages, of evidence satisfactory to the  
17 authority of the making of new mortgage loans to low or  
18 moderate income families as required by this section and in  
19 that connection may, through its members, employees, or agents,  
20 inspect the books and records of a lending institution.

21 4. Compliance by a lending institution with the terms of  
22 its agreement with the authority with respect to the making of  
23 new mortgage loans to low or moderate income families may be  
24 enforced by decree of any district court of this state. The  
25 authority may require as a condition of purchase of mortgage  
26 loans from any national banking association or federally  
27 chartered savings and loan association, the consent of the  
28 association to the jurisdiction of courts of this state over  
29 any such proceeding. The authority may also require as a  
30 condition of the authority's purchase of mortgage loans from  
31 a lending institution, agreement by the lending institution  
32 to the payment of penalties to the authority for violation by  
33 the lending institution of its agreement with the authority,  
34 and the penalties shall be recoverable at the suit of the  
35 authority.

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1     5. The authority may require as a condition of purchase of  
2 a mortgage loan from a lending institution that the lending  
3 institution represent and warrant to the authority that:  
4     *a.* The unpaid principal balance of the mortgage loan and  
5 the interest rate on it have been accurately stated to the  
6 authority.  
7     *b.* The amount of the unpaid principal balance is justly due  
8 and owing.  
9     *c.* The lending institution has no notice of the existence of  
10 any counterclaim, offset, or defense asserted by the mortgagor  
11 or the mortgagor's successor in interest.  
12     *d.* The mortgage loan is evidenced by a bond or promissory  
13 note and a mortgage which has been properly recorded with the  
14 appropriate public official.  
15     *e.* The mortgage constitutes a valid first lien on the  
16 real property described to the authority subject only to real  
17 property taxes not yet due, installments of assessments not  
18 yet due, and easements and restrictions of record which do not  
19 adversely affect, to a material degree, the use or value of the  
20 real property or improvements on it.  
21     *f.* The mortgagor is not now in default in the payment of  
22 any installment of principal or interest, escrow funds, or real  
23 property taxes, or otherwise in the performance of obligations  
24 under the mortgage documents and has not to the knowledge of  
25 the lending institution been in default in the performance of  
26 any obligation under the mortgage for a period of longer than  
27 sixty days during the life of the mortgage.  
28     *g.* The improvements to the mortgaged real property are  
29 covered by a valid and subsisting policy of insurance issued  
30 by a company authorized to issue such policies in this state  
31 and providing fire and extended coverage in amounts as the  
32 authority prescribes by rule.  
33     *h.* The mortgage loan meets the prevailing investment quality  
34 standards for mortgage loans in this state.  
35     6. A lending institution is liable to the authority for

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1 damages suffered by the authority by reason of the untruth  
2 of a representation or the breach of a warranty and, in the  
3 event that a representation proves to be untrue when made or  
4 in the event of a breach of warranty, the lending institution  
5 shall, at the option of the authority, repurchase the mortgage  
6 loan for the original purchase price adjusted for amounts  
7 subsequently paid on it, as the authority determines.

8 7. The authority shall require the recording of an  
9 assignment of a mortgage loan purchased by the authority from  
10 a lending institution and shall not be required to notify  
11 the mortgagor of the authority's purchase of the mortgage  
12 loan. The authority shall not be required to inspect or take  
13 possession of the mortgage documents if the mortgage lender  
14 from which the mortgage loan is purchased by the authority  
15 enters into a contract to service the mortgage loan and account  
16 to the authority for it.

17 8. If a provision of this section is inconsistent with  
18 another provision of law of this state governing lending  
19 institutions, the provision of this section controls for the  
20 purposes of this section.

21 Sec. 43. Section 16.40, subsection 3, Code 2014, is amended  
22 to read as follows:

23 3. The authority may use moneys in the fund to provide  
24 financial assistance to a housing sponsor or an individual in  
25 the form of a loan, loan ~~guarantee~~ guaranty, grant, or interest  
26 subsidy, or by other means under the general powers of the  
27 authority.

28 Sec. 44. NEW SECTION. 16.43 Housing improvement fund  
29 program.

30 1. A housing improvement fund is created within the  
31 authority. The moneys in the housing improvement fund are  
32 annually appropriated to the authority which shall allocate  
33 the available funds among and within the programs authorized  
34 by this section. Notwithstanding section 8.33, unencumbered  
35 or unobligated moneys remaining in the fund on June 30 of

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1 any fiscal year shall not revert to any other fund but shall  
2 be available for expenditure for subsequent fiscal years.  
3 Notwithstanding section 12C.7, interest or earnings on moneys  
4 in the fund or appropriated to the fund shall be credited to  
5 the fund. The authority may expend up to four percent of  
6 the moneys appropriated for the programs in this section for  
7 administrative costs of the authority for those programs.  
8 The authority may provide financial assistance to a housing  
9 sponsor or an individual in the form of loans, guaranties,  
10 grants, interest subsidies, or by other means for the programs  
11 authorized by this section.

12 2. By rule, the authority shall establish the following  
13 financial assistance programs and provide the requirements for  
14 their proper administration:

15 a. A home maintenance and repair program providing repair  
16 services to families which include persons who are elderly or  
17 persons with disabilities and which qualify as lower income or  
18 very low income families.

19 b. A rental rehabilitation program for the construction  
20 or rehabilitation of single or multifamily rental properties  
21 leased to lower income or very low income families.

22 c. (1) A home ownership incentive program to help lower  
23 income and very low income families achieve single family home  
24 ownership. Funds provided under this program shall not be  
25 restricted to first-time home buyers but shall be limited to  
26 mortgages under fifty-five thousand dollars, except in those  
27 areas of the state where the median price of homes exceeds the  
28 state average. The assistance provided shall include at least  
29 one of the following kinds of assistance:

30 (a) Closing costs assistance.

31 (b) Down payment assistance.

32 (c) Home maintenance and repair assistance.

33 (d) Loan processing assistance through a loan endorser  
34 review contractor who acts on behalf of the authority in  
35 assisting lenders in processing loans that will qualify for

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1 government insurance or guaranty or for financing under the  
2 authority's mortgage revenue bond program.

3 (e) Mortgage insurance program.

4 (2) Five percent of the moneys expended under this program  
5 shall be used to finance the purchase or acquisition, in  
6 communities with a population of less than ten thousand, of  
7 manufactured homes as defined in 42 U.S.C. §5403. Moneys  
8 available for this purpose which are unencumbered or  
9 unobligated at the end of the fiscal year shall revert to the  
10 housing improvement fund for reallocation for the next fiscal  
11 year.

12 (3) Not more than fifty percent of the assistance provided  
13 under this program shall be provided under subparagraph (1),  
14 subparagraph divisions (d) and (e). So long as at least one  
15 of the kinds of assistance described in subparagraph (1),  
16 subparagraph divisions (a) through (e) is provided, additional  
17 assistance not described in subparagraph (1), subparagraph  
18 divisions (a) through (e) may also be provided.

19 3. The authority shall coordinate the programs authorized  
20 by this section with the other programs under the jurisdiction  
21 of the authority.

22 4. Each application for financial assistance shall  
23 be rated based on local, housing sponsor, and recipient  
24 financial commitment, proposals for leveraging other financial  
25 assistance, experience with the recipient group involved,  
26 consideration for the housing project in the context of overall  
27 community needs, including vacancy rate of rental property  
28 and ratio of subsidized rental housing to nonsubsidized  
29 housing, ability to provide a counseling support system to  
30 the recipients, and a demonstrated capability by the housing  
31 sponsor to provide follow-up monitoring of recipients to  
32 determine if identifiable results have been achieved.

33 5. For the purposes of this section, "housing sponsor" is  
34 a for-profit entity, nonprofit corporation, local government,  
35 or a joint venture involving a for-profit entity, nonprofit

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1 corporation, or local government.

2 6. None of the funds provided to a housing sponsor under  
3 this section shall be used for the costs of administration.

4 7. During each regular session of the general assembly,  
5 the authority shall present, to the appropriate appropriations  
6 subcommittee, a report concerning the total estimated resources  
7 to be available for expenditure under this section for the next  
8 fiscal year and the amount the authority proposes to allocate  
9 to each program under this section.

10 8. A homelessness advisory committee is created consisting  
11 of the executive director or the executive director's designee,  
12 the directors or their designees from the departments of human  
13 services and human rights, the economic development authority,  
14 the director of the department on aging or the director's  
15 designee, and at least three individuals from the private  
16 sector to be selected by the executive director. The advisory  
17 committee shall advise the authority in coordinating programs  
18 that provide for the homeless.

19 9. Notwithstanding any provision to the contrary,  
20 all assets held in the housing improvement fund shall be  
21 transferred to the housing trust fund created in section 16.45.  
22 Any moneys or assets received for deposit in the housing  
23 improvement fund shall be transferred to the housing trust  
24 fund.

25 Sec. 45. NEW SECTION. 16.45 Housing trust fund.

26 1. a. A housing trust fund is created within the  
27 authority. The moneys in the housing trust fund are annually  
28 appropriated to the authority to be used for the development  
29 and preservation of affordable housing for low-income people  
30 in the state and for the Iowa mortgage help initiative.  
31 Payment of interest, recaptures of awards, or other repayments  
32 to the housing trust fund shall be deposited in the fund.  
33 Notwithstanding section 12C.7, interest or earnings on moneys  
34 in the housing trust fund or appropriated to the fund shall  
35 be credited to the fund. Notwithstanding section 8.33,

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1 unencumbered and unobligated moneys remaining in the fund  
2 at the close of each fiscal year shall not revert but shall  
3 remain available for expenditure for the same purposes in the  
4 succeeding fiscal year.

5     **b.** Assets in the housing trust fund shall consist of all of  
6 the following:

7         (1) Any moneys received by the authority from the national  
8 housing trust fund created pursuant to the federal Housing and  
9 Economic Recovery Act of 2008, Pub. L. No. 110-289.

10        (2) Any assets transferred by the authority for deposit in  
11 the housing trust fund.

12        (3) Any other moneys appropriated by the general assembly  
13 and any other moneys available to and obtained or accepted by  
14 the authority for placement in the housing trust fund.

15     **c.** The authority shall create the following programs within  
16 the housing trust fund:

17         (1) Local housing trust fund program. At least sixty  
18 percent of available moneys in the housing trust fund shall be  
19 allocated for the local housing trust fund program.

20         (2) Project-based housing program. Moneys remaining in  
21 the housing trust fund after the allocation in subparagraph  
22 (1) shall be used to make awards to project-based housing  
23 programs located in areas where a local housing trust fund does  
24 not exist or for a project-based housing program that is not  
25 eligible for funding through a local housing trust fund.

26     2. **a.** In order to be eligible to apply for funding from  
27 the local housing trust fund program, a local housing trust  
28 fund must be approved by the authority and have all of the  
29 following:

30         (1) A local governing board recognized by the city, county,  
31 council of governments, or regional officials as the board  
32 responsible for coordinating local housing programs.

33         (2) A housing assistance plan approved by the authority.

34         (3) Sufficient administrative capacity in regard to housing  
35 programs.

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1 (4) A local match requirement approved by the authority.  
2 b. An award from the local housing trust fund program shall  
3 not exceed ten percent of the balance in the program at the  
4 beginning of the fiscal year plus ten percent of any deposits  
5 made during the fiscal year.

6 c. By December 31 of each year, a local housing trust fund  
7 receiving moneys from the local housing trust fund program  
8 shall submit a report to the authority itemizing expenditures  
9 of the awarded moneys.

10 Sec. 46. NEW SECTION. 16.45A Housing trust fund —  
11 appropriations.

12 There is appropriated from the rebuild Iowa infrastructure  
13 fund to the Iowa finance authority for deposit in the housing  
14 trust fund created in section 16.45, for the fiscal year  
15 beginning July 1, 2014, and for each succeeding fiscal year,  
16 the sum of three million dollars.

17 Sec. 47. NEW SECTION. 16.46 Senior living revolving loan  
18 program fund.

19 1. A senior living revolving loan program fund is created  
20 within the authority. The moneys in the senior living  
21 revolving loan program fund shall be used by the authority for  
22 the development and operation of a revolving loan program to  
23 provide financing to construct affordable assisted living and  
24 service-enriched affordable housing for seniors and persons  
25 with disabilities, including through new construction or  
26 acquisition and rehabilitation.

27 2. Moneys transferred by the authority for deposit in the  
28 senior living revolving loan program fund, moneys appropriated  
29 to the senior living revolving loan program, and any other  
30 moneys available to and obtained or accepted by the authority  
31 for placement in the senior living revolving loan program fund  
32 shall be deposited in the fund. Additionally, payment of  
33 interest, recaptures of awards, and other repayments to the  
34 senior living revolving loan program fund shall be deposited  
35 in the fund. Notwithstanding section 12C.7, subsection

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1 2, interest or earnings on moneys in the senior living  
2 revolving loan program fund shall be credited to the fund.  
3 Notwithstanding section 8.33, moneys that remain unencumbered  
4 or unobligated at the end of the fiscal year shall not  
5 revert but shall remain available for the same purpose in the  
6 succeeding fiscal year.

7 3. The authority shall annually allocate moneys available  
8 in the senior living revolving loan program fund for the  
9 development of affordable assisted living and service-enriched  
10 affordable housing for seniors and persons with disabilities.  
11 The authority shall develop a joint application process for  
12 the allocation of federal low-income housing tax credits and  
13 funds available under this section. Moneys allocated to  
14 such developments may be in the form of loans, grants, or a  
15 combination of loans and grants.

16 Sec. 48. NEW SECTION. 16.47 Home and community-based  
17 services revolving loan program fund.

18 1. A home and community-based services revolving loan  
19 program fund is created within the authority to further the  
20 goals specified in section 231.3, adult day services, respite  
21 services, congregate meals, health and wellness, health  
22 screening, and nutritional assessments. The moneys in the home  
23 and community-based services revolving loan program fund shall  
24 be used by the authority for the development and operation  
25 of a revolving loan program to develop and expand facilities  
26 and infrastructure that provide adult day services, respite  
27 services, congregate meals, and programming space for health  
28 and wellness, health screening, and nutritional assessments  
29 that address the needs of persons with low incomes.

30 2. Moneys transferred by the authority for deposit in the  
31 home and community-based services revolving loan program fund,  
32 moneys appropriated to the home and community-based services  
33 revolving loan program, and any other moneys available to  
34 and obtained or accepted by the authority for placement in  
35 the home and community-based services revolving loan program

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1 fund shall be deposited in the fund. Additionally, payment of  
2 interest, recaptures of awards, and other repayments to the  
3 home and community-based services revolving loan program fund  
4 shall be deposited in the fund. Notwithstanding section 12C.7,  
5 subsection 2, interest or earnings on moneys in the home and  
6 community-based services revolving loan program fund shall be  
7 credited to the fund. Notwithstanding section 8.33, moneys  
8 that remain unencumbered or unobligated at the end of the  
9 fiscal year shall not revert but shall remain available for the  
10 same purpose in the succeeding fiscal year.

11 3. The authority, in cooperation with the department on  
12 aging, shall annually allocate moneys available in the home  
13 and community-based services revolving loan program fund to  
14 develop and expand facilities and infrastructure that provide  
15 adult day services, respite services, congregate meals, and  
16 programming space for health and wellness, health screening,  
17 and nutritional assessments that address the needs of persons  
18 with low incomes.

19 Sec. 49. NEW SECTION. 16.48 Transitional housing revolving  
20 loan program fund.

21 1. A transitional housing revolving loan program fund is  
22 created within the authority to further the availability of  
23 affordable housing for parents that are reuniting with their  
24 children while completing or participating in substance abuse  
25 treatment. The moneys in the fund are annually appropriated  
26 to the authority to be used for the development and operation  
27 of a revolving loan program to provide financing to construct  
28 affordable transitional housing, including through new  
29 construction or acquisition and rehabilitation of existing  
30 housing. The housing provided shall be geographically located  
31 in close proximity to licensed substance abuse treatment  
32 programs. Preference in funding shall be given to projects  
33 that reunite mothers with the mothers' children.

34 2. Moneys transferred by the authority for deposit in  
35 the transitional housing revolving loan program fund, moneys

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1 appropriated to the transitional housing revolving loan  
2 program, and any other moneys available to and obtained or  
3 accepted by the authority for placement in the fund shall be  
4 deposited in the fund. Additionally, payment of interest,  
5 recaptures of awards, and other repayments to the transitional  
6 housing revolving loan program fund shall be credited to the  
7 fund. Notwithstanding section 12C.7, subsection 2, interest or  
8 earnings on moneys in the transitional housing revolving loan  
9 program fund shall be credited to the fund. Notwithstanding  
10 section 8.33, moneys that remain unencumbered or unobligated at  
11 the close of the fiscal year shall not revert but shall remain  
12 available for the same purpose in the succeeding fiscal year.

13 3. The authority shall annually allocate moneys available  
14 in the transitional housing revolving loan program fund for  
15 the development of affordable transitional housing for parents  
16 that are reuniting with the parents' children while completing  
17 or participating in substance abuse treatment. The authority  
18 shall develop a joint application process for the allocation of  
19 federal low-income housing tax credits and the funds available  
20 under this section. Moneys allocated to such projects may be  
21 in the form of loans, grants, or a combination of loans and  
22 grants.

23 Sec. 50. NEW SECTION. 16.49 Community housing and services  
24 for persons with disabilities revolving loan program fund.

25 1. A community housing and services for persons with  
26 disabilities revolving loan program fund is created within the  
27 authority to further the availability of affordable housing and  
28 supportive services for Medicaid waiver-eligible individuals  
29 with behaviors that provide significant barriers to accessing  
30 traditional rental and supportive services opportunities. The  
31 moneys in the fund are annually appropriated to the authority  
32 to be used for the development and operation of a revolving  
33 loan program to provide financing to construct affordable  
34 permanent supportive housing or develop infrastructure in  
35 which to provide supportive services, including through new

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1 construction, acquisition and rehabilitation of existing  
2 housing or infrastructure, or conversion or adaptive reuse.  
3 2. Moneys transferred by the authority for deposit in the  
4 community housing and services for persons with disabilities  
5 revolving loan program fund, moneys appropriated to the  
6 community housing and services for persons with disabilities  
7 revolving loan program, and any other moneys available to and  
8 obtained or accepted by the authority for placement in the  
9 fund shall be credited to the fund. Additionally, payment of  
10 interest, recaptures of awards, and other repayments to the  
11 community housing and services for persons with disabilities  
12 revolving loan program fund shall be credited to the fund.  
13 Notwithstanding section 12C.7, subsection 2, interest or  
14 earnings on moneys in the fund shall be credited to the fund.  
15 Notwithstanding section 8.33, moneys credited to the fund from  
16 any other fund that remain unencumbered or unobligated at the  
17 close of the fiscal year shall not revert to the other fund.  
18 3. a. The authority shall annually allocate moneys  
19 available in the fund for the development of permanent  
20 supportive housing for Medicaid waiver-eligible individuals.  
21 The authority shall develop a joint application process for the  
22 allocation of United States housing and urban development HOME  
23 investment partnerships program funding and the funds available  
24 under this section. Moneys allocated to such projects may be  
25 in the form of loans, forgivable loans, or a combination of  
26 loans and forgivable loans.  
27 b. The authority shall annually allocate moneys available  
28 in the fund for the development of infrastructure in which  
29 to provide supportive services for Medicaid waiver-eligible  
30 individuals who meet the psychiatric medical institution for  
31 children level of care. Moneys allocated to such projects may  
32 be in the form of loans, forgivable loans, or a combination of  
33 loans and forgivable loans.  
34 4. a. A project shall demonstrate written approval of the  
35 project by the department of human services to the authority

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1 prior to application for funding under this section.

2     **b.** In order to be approved by the department of human  
3 services for application for funding for development of  
4 permanent supportive housing under this section, a project  
5 shall include all of the following components:

6       (1) Provision of services to any of the following Medicaid  
7 waiver-eligible individuals:

8       (a) Individuals who are currently underserved in community  
9 placements, including individuals who are physically aggressive  
10 or have behaviors that are difficult to manage or individuals  
11 who meet the psychiatric medical institution for children level  
12 of care.

13       (b) Individuals who are currently residing in out-of-state  
14 facilities.

15       (c) Individuals who are currently receiving care in a  
16 licensed health care facility.

17       (2) A plan to provide each individual with crisis  
18 stabilization services to ensure that the individual's  
19 behavioral issues are appropriately addressed by the provider.

20       (3) Policies and procedures that prohibit discharge of the  
21 individual from the waiver services provided by the project  
22 provider unless an alternative placement that is acceptable to  
23 the client or the client's guardian is identified.

24     **c.** In order to be approved by the department of human  
25 services for application for funding for development of  
26 infrastructure in which to provide supportive services under  
27 this section, a project shall include all of the following  
28 components:

29       (1) Provision of services to Medicaid waiver-eligible  
30 individuals who meet the psychiatric medical institution for  
31 children level of care.

32       (2) Policies and procedures that prohibit discharge of the  
33 individual from the waiver services provided by the project  
34 provider unless an alternative placement that is acceptable to  
35 the client or the client's guardian is identified.

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1     *d.* Housing provided through a project under this section is  
2 exempt from the requirements of chapter 1350.

3     Sec. 51. NEW SECTION. 16.50 Workforce housing assistance  
4 grant fund.

5     1. A workforce housing assistance grant fund is created  
6 under the authority of the Iowa finance authority. The fund  
7 shall consist of appropriations made to the fund. The fund  
8 shall be separate from the general fund of the state and the  
9 balance in the fund shall not be considered part of the balance  
10 of the general fund of the state. However, the fund shall be  
11 considered a special account for the purposes of section 8.53,  
12 relating to generally accepted accounting principles.

13     2. Notwithstanding section 12C.7, subsection 2, interest or  
14 earnings on moneys in the fund shall be credited to the fund.

15     3. *a.* Moneys in the fund in a fiscal year are appropriated  
16 to the Iowa finance authority to be used for grants for  
17 projects that create workforce housing or for projects that  
18 include adaptive reuse of buildings for workforce housing. For  
19 purposes of this section, "*workforce housing*" means housing that  
20 is affordable for a household whose income does not exceed one  
21 hundred twenty percent of the median income for the area.

22     *b.* Priority shall be given to the following types of  
23 projects:

24     (1) Projects that are eligible for historic preservation  
25 and cultural and entertainment district tax credits under  
26 section 404A.1.

27     (2) Projects for the construction of new single-family  
28 dwellings that incorporate one or more energy-efficient  
29 measures. The authority shall by rule identify the types of  
30 energy-efficient measures that will qualify a project for  
31 priority under this subparagraph.

32     (3) Projects that utilize new markets tax credits,  
33 established under the federal Community Renewal Tax Relief Act  
34 of 2000, Pub. L. No. 106-554, 114 Stat. 2763A, and undertaken  
35 by a qualified community development entity, as defined in the

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1 federal Act.

2 (4) Projects that are located in an area where other state  
3 funding has been used to support the creation of new jobs.

4 c. In any fiscal year, an area shall not receive grants  
5 totaling more than twenty-five percent of the moneys expended  
6 from the fund in that fiscal year. For purposes of this  
7 paragraph, "area" means the same area used to determine the  
8 median income under paragraph "a".

9 4. Annually, on or before January 15 of each year, the  
10 authority shall report to the legislative services agency and  
11 the department of management the status of all projects that  
12 received moneys from the workforce housing assistance grant  
13 fund. The report shall include a description of each project,  
14 the progress of work completed, the total estimated cost of  
15 each project, a list of all revenue sources being used to fund  
16 each project, the amount of funds expended, the amount of  
17 funds obligated, and the date each project was completed or an  
18 estimated completion date of each project, where applicable.

19 5. Payment of moneys from appropriations from the fund shall  
20 be made in a manner that does not adversely affect the tax  
21 exempt status of any outstanding bonds issued by the treasurer  
22 of state pursuant to section 12.87.

23 Sec. 52. NEW SECTION. 16.55 Solar and renewable energy  
24 systems loans.

25 The authority may make loans to lending institutions or  
26 purchase loans from lending institutions under part 3 to be  
27 used to finance property improvement loans for solar and other  
28 renewable energy systems. These loans shall be limited to low  
29 or moderate income families.

30 Sec. 53. NEW SECTION. 16.56 Jumpstart housing assistance  
31 program.

32 1. As used in this section, unless the context otherwise  
33 requires:

34 a. "Disaster-affected home" means a primary residence that  
35 was destroyed or damaged due to a natural disaster occurring

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1 after May 24, 2008, and before August 14, 2008.

2     *b. "Local government participant"* means the cities of Ames,  
3 Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des  
4 Moines, Dubuque, Iowa City, Waterloo, and West Des Moines; a  
5 council of governments whose territory includes at least one  
6 county that was declared a disaster area by the president  
7 of the United States after May 24, 2008, and before August  
8 14, 2008; and any county that is not part of any council of  
9 governments and was declared a disaster area by the president  
10 of the United States after May 24, 2008, and before August 14,  
11 2008.

12     2. The Iowa finance authority shall establish and  
13 administer a jumpstart housing assistance program. Under  
14 the program, the authority shall provide grants to local  
15 government participants for purposes of distributing the moneys  
16 to eligible residents for eligible purposes which relate to  
17 disaster-affected homes.

18     3. An eligible resident is a person residing in a  
19 disaster-affected home who is the owner of record of a right,  
20 title, or interest in the disaster-affected home and who has  
21 been approved by the federal emergency management agency for  
22 housing assistance. An eligible resident must have a family  
23 income equal to or less than one hundred fifty percent of the  
24 area median family income.

25     4. Eligible purposes include forgivable loans for down  
26 payment assistance, emergency housing repair or rehabilitation,  
27 and interim mortgage assistance. An eligible resident who  
28 receives a forgivable loan may also receive energy efficiency  
29 assistance which shall be added to the principal of the  
30 forgivable loan.

31     5. A local government participant may retain a portion of  
32 the grant moneys for administrative purposes as provided in a  
33 grant agreement between the authority and the local government  
34 participant.

35     6. Any money paid to a local government participant by

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1 an eligible resident shall be remitted to the authority for  
2 deposit in the housing assistance fund created in section  
3 16.40.

4 7. As determined by the authority, unused or unobligated  
5 moneys may be reclaimed and reallocated by the authority to  
6 other local government participants.

7 Sec. 54. NEW SECTION. 16.57 Residential treatment  
8 facilities.

9 1. The authority may issue its bonds and notes and loan the  
10 proceeds of the bonds or notes to a nonprofit corporation for  
11 the purpose of financing the acquisition or construction of  
12 residential housing or treatment facilities serving juveniles  
13 or persons with disabilities.

14 2. The authority may enter into a loan agreement with  
15 a nonprofit corporation for the purpose of financing the  
16 acquisition or construction of residential housing or treatment  
17 facilities serving juveniles or persons with disabilities and  
18 shall provide for payment of the loan and security for the loan  
19 as the authority deems advisable.

20 3. In the resolution authorizing the issuance of the  
21 bonds or notes pursuant to this section, the authority may  
22 provide that the related principal and interest are limited  
23 obligations payable solely out of the revenues derived from the  
24 debt obligation, collateral, or other security furnished by or  
25 on behalf of the nonprofit corporation, and the principal or  
26 interest does not constitute an indebtedness of the authority  
27 or a charge against the authority's general credit or general  
28 fund.

29 4. The powers granted the authority under this section are  
30 in addition to the authority's other powers under this chapter.  
31 All other provisions of this chapter, except section 16.28,  
32 subsection 4, apply to bonds or notes issued pursuant to, and  
33 powers granted to the authority under this section, except to  
34 the extent the provisions are inconsistent with this section.

35 Sec. 55. NEW SECTION. 16.58 Definitions.

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1 As used in this subchapter, unless the context otherwise  
2 requires:  
3 1. "*Agricultural assets*" means agricultural land,  
4 depreciable agricultural property, crops, or livestock.  
5 2. "*Agricultural improvements*" means any improvements,  
6 buildings, structures, or fixtures suitable for use in farming  
7 which are located on agricultural land.  
8 3. "*Agricultural land*" means land suitable for use in  
9 farming.  
10 4. "*Agricultural producer*" means a person that engages  
11 or wishes to engage or intends to engage in the business of  
12 producing and marketing agricultural produce in this state.  
13 5. "*Bankhead-Jones Farm Tenant Act*" means the Act cited as  
14 50 Stat. 522 (1937), formerly codified as 7 U.S.C. §1000 et  
15 seq., repealed by Pub. L. No. 87-128 (1961).  
16 6. "*Beginning farmer*" means an individual, partnership,  
17 family farm corporation, or family farm limited liability  
18 company, with a low or moderate net worth that engages in  
19 farming or wishes to engage in farming.  
20 7. "*Beginning farmer tax credit program*" means all of the  
21 following:  
22 a. The agricultural assets transfer tax credit as provided  
23 in section 16.80.  
24 b. The custom farming contract tax credit as provided in  
25 section 16.81.  
26 8. "*Family farm corporation*" means the same as defined in  
27 section 9H.1.  
28 9. "*Family farm limited liability company*" means the same as  
29 defined in section 9H.1.  
30 10. "*Farming*" means the cultivation of land for the  
31 production of agricultural crops, the raising of poultry, the  
32 production of eggs, the production of milk, the production of  
33 fruit or other horticultural crops, grazing, the production of  
34 livestock, aquaculture, hydroponics, the production of forest  
35 products, or other activities designated by the authority by

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1 rules subject to chapter 17A.

2 11. "*Low or moderate net worth*" means a net worth that does  
3 not exceed the maximum allowable net worth established by the  
4 authority. The authority shall establish the maximum allowable  
5 net worth in accordance with the prices paid by farmers index  
6 as compiled by the United States department of agriculture.

7 12. "*Production item*" includes tools, machinery, or  
8 equipment principally used to produce crops or livestock.

9 13. "*Qualified beginning farmer*" means a beginning farmer  
10 who meets the requirements to participate in a beginning farmer  
11 tax credit program as provided in part 5, subpart B.

12 Sec. 56. NEW SECTION. 16.59 **Special financing —**  
13 **calculations.**

14 A low or moderate net worth requirement provided in this  
15 subchapter applies to an individual, partnership, family farm  
16 corporation, or family farm limited liability company. The  
17 requirement as applied to each such person is calculated as  
18 follows:

19 1. For an individual, an aggregate net worth of the  
20 individual and the individual's spouse and minor children not  
21 greater than the low or moderate net worth.

22 2. For a partnership, an aggregate net worth of all  
23 partners, including each partner's net capital in the  
24 partnership, and each partner's spouse and minor children not  
25 greater than twice the low or moderate net worth. However, the  
26 aggregate net worth of each partner and that partner's spouse  
27 and minor children shall not exceed the low or moderate net  
28 worth.

29 3. For a family farm corporation, an aggregate net worth  
30 of all shareholders, including the value of each shareholder's  
31 share in the family farm corporation, and each shareholder's  
32 spouse and minor children not greater than twice the low or  
33 moderate net worth. However, the aggregate net worth of each  
34 shareholder and that shareholder's spouse and minor children  
35 shall not exceed the low or moderate net worth.

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1     4. For a family farm limited liability company, an aggregate  
2 net worth of all members, including each member's ownership  
3 interest in the family farm limited liability company, and each  
4 member's spouse and minor children of not greater than the low  
5 or moderate net worth. However, the aggregate net worth of  
6 each member and that member's spouse and minor children shall  
7 not exceed the low or moderate net worth.

8     Sec. 57. NEW SECTION. **16.60 Combination programs.**

9     Programs authorized in this subchapter may be combined with  
10 any other programs authorized in this chapter or any other  
11 public or private programs.

12    Sec. 58. NEW SECTION. **16.62 Trust assets.**

13    The authority shall make application to and receive from the  
14 United States secretary of agriculture, or any other proper  
15 federal official, pursuant and subject to the provisions of  
16 Pub. L. No. 81-499, 64 Stat. 152 (1950), formerly codified at  
17 40 U.S.C. §440 et seq. (1976), all of the trust assets held by  
18 the United States in trust for the Iowa rural rehabilitation  
19 corporation now dissolved.

20    Sec. 59. NEW SECTION. **16.63 Agreements.**

21    The authority may enter into agreements with the United  
22 States secretary of agriculture pursuant to Pub. L. No. 81-499  
23 §2(f) (1950) upon terms and conditions and for periods of  
24 time as mutually agreeable, authorizing the authority to  
25 accept, administer, expend, and use in the state of Iowa all  
26 or any part of the trust assets or other funds in the state  
27 of Iowa which have been appropriated for use in carrying out  
28 the purposes of the Bankhead-Jones Farm Tenant Act and to do  
29 any and all things necessary to effectuate and carry out the  
30 purposes of such agreements.

31    Sec. 60. NEW SECTION. **16.64 Bonds and notes — tax**  
32 **exemption.**

33    1. An action shall not be brought questioning the legality  
34 of any bonds or notes or the power of the authority to issue  
35 any bonds or notes or to the legality of any proceedings in

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1 connection with the authorization or issuance of the bonds or  
2 notes after determination by the board of the authority to  
3 proceed with the issuance of the bonds or notes sixty days from  
4 the date of publication of the notice.

5 2. Bonds and notes issued by the authority for purposes of  
6 financing the beginning farmer loan program provided in section  
7 16.75 are exempt from taxation by the state, and interest  
8 earned on the bonds and notes is deductible in determining  
9 net income for purposes of the state individual and corporate  
10 income tax under divisions II and III of chapter 422.

11 Sec. 61. NEW SECTION. 16.68 **Surplus moneys.**

12 Moneys declared by the authority to be surplus moneys  
13 which are not required to service bonds and notes, to pay  
14 administrative expenses of the authority, or to accumulate  
15 necessary operating or loss reserves, shall be used by the  
16 authority to provide loans, grants, subsidies, and other  
17 services or assistance to beginning farmers or agricultural  
18 producers through any of the programs authorized in this  
19 subchapter.

20 Sec. 62. NEW SECTION. 16.70 **Loans to lending institutions.**

21 1. The authority may make and contract to make loans to  
22 lending institutions on terms and conditions the authority  
23 determines are reasonably related to protecting the security of  
24 the authority's investment and to implementing the purposes of  
25 this subchapter. Lending institutions are authorized to borrow  
26 from the authority in accordance with the provisions of this  
27 section and the rules of the authority.

28 2. The authority shall require as a condition of each loan  
29 to a lending institution that the lending institution, within  
30 a reasonable period after receipt of the loan proceeds as the  
31 authority prescribes by rule, shall have entered into written  
32 commitments to make and, within a reasonable period thereafter  
33 as the authority prescribes by rule, shall have disbursed the  
34 loan proceeds in new mortgage or secured loans to beginning  
35 farmers in an aggregate principal amount of not less than the

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1 amount of the loan. New mortgage or secured loans shall have  
2 terms and conditions as the authority prescribes by rules which  
3 are reasonably related to implementing the purposes of this  
4 subchapter as provided in subchapter III.

5 3. The authority shall require the submission by each  
6 lending institution to which the authority has made a loan, of  
7 evidence satisfactory to the authority of the making of new  
8 mortgage or secured loans to beginning farmers as required by  
9 this section, and in that connection may, through its members,  
10 employees, or agents, inspect the books and records of a  
11 lending institution.

12 4. Compliance by a lending institution with the terms of  
13 its agreement with the authority with respect to the making  
14 of new mortgage or secured loans to beginning farmers may be  
15 enforced by decree of any district court of this state. The  
16 authority may require as a condition of a loan to a national  
17 banking association or a federally chartered savings and loan  
18 association, the consent of the association to the jurisdiction  
19 of the courts of this state over any enforcement proceeding.  
20 The authority may also require, as a condition of a loan to  
21 a lending institution, agreement by the lending institution  
22 to the payment of penalties to the authority for violation by  
23 the lending institution of its agreement with the authority,  
24 and the penalties shall be recoverable at the suit of the  
25 authority.

26 5. The authority shall require that each lending  
27 institution receiving a loan pursuant to this section shall  
28 issue and deliver to the authority evidence of its indebtedness  
29 to the authority which shall constitute a general obligation  
30 of the lending institution and shall bear a date, mature at a  
31 time, be subject to prepayment, and contain other provisions  
32 consistent with this section and reasonably related to  
33 protecting the security of the authority's investment, as the  
34 authority determines.

35 6. Notwithstanding any other provision of this section, the

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1 interest rate and other terms of loans to lending institutions  
2 made from the proceeds of an issue of bonds or notes of the  
3 authority shall be at least sufficient to assure the payment of  
4 the bonds or notes and the interest on them as they become due.

5 7. The authority may require that loans to lending  
6 institutions are additionally secured as to payment of both  
7 principal and interest by a pledge of and lien upon collateral  
8 security by special escrow funds or other forms of guaranty and  
9 in amounts and forms as the authority by resolution determines  
10 to be necessary to assure the payment of the loans and the  
11 interest as they become due. Collateral security shall consist  
12 of direct obligations of or obligations guaranteed by the  
13 United States or one of its agencies, obligations satisfactory  
14 to the authority which are issued by other federal agencies,  
15 direct obligations of or obligations guaranteed by a state  
16 or a political subdivision of a state, or investment quality  
17 obligations approved by the authority.

18 8. The authority may require that collateral for loans  
19 be deposited with a bank, trust company, or other financial  
20 institution acceptable to the authority located in this state  
21 and designated by the authority as custodian. In the absence  
22 of that requirement, each lending institution shall enter  
23 into an agreement with the authority containing provisions  
24 the authority deems necessary to adequately identify and  
25 maintain the collateral, service the collateral and require the  
26 lending institution to hold the collateral as an agent for the  
27 authority, and be accountable to the authority as the trustee  
28 of an express trust for the application and disposition of the  
29 collateral and the income from it. The authority may also  
30 establish additional requirements the authority deems necessary  
31 with respect to the pledging, assigning, setting aside, or  
32 holding of collateral and the making of substitutions for it or  
33 additions to it and the disposition of income and receipts from  
34 it.

35 9. The authority may require as a condition of loans to

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1 lending institutions any representations and warranties the  
2 authority determines are necessary to secure the loans and  
3 carry out the purposes of this section.

4 10. The authority may require the beginning farmer to  
5 satisfy conditions and requirements normally imposed by lending  
6 institutions in making similar loans, including but not limited  
7 to the purchase of capital stock in the federal land bank.

8 11. If a provision of this section is inconsistent with a  
9 provision of law of this state governing lending institutions,  
10 the provision of this section controls for the purposes of this  
11 section.

12 Sec. 63. NEW SECTION. 16.71 **Purchase of loans.**

13 1. The authority may purchase and make advance commitments  
14 to purchase mortgage or secured loans from lending institutions  
15 at prices and upon terms and conditions as the authority  
16 determines. However, the total purchase price for all mortgage  
17 or secured loans which the authority commits to purchase from a  
18 lending institution at any one time shall not exceed the total  
19 of the unpaid principal balances of the mortgage or secured  
20 loans purchased. Lending institutions are authorized to sell  
21 mortgage or secured loans to the authority in accordance with  
22 the provisions of this section and the rules of the authority.

23 2. The authority shall require as a condition of purchase  
24 of mortgage or secured loans from lending institutions that  
25 the lending institutions certify that the mortgage or secured  
26 loans purchased are loans made to beginning farmers. Mortgage  
27 or secured loans to be made by lending institutions shall have  
28 terms and conditions as the authority prescribes by rule.  
29 The authority may make a commitment to purchase mortgage or  
30 secured loans from lending institutions in advance of the time  
31 the loans are made by lending institutions. The authority  
32 shall require as a condition of a commitment that lending  
33 institutions certify in writing that all mortgage or secured  
34 loans represented by the commitment will be made to beginning  
35 farmers and that the lending institution will comply with other

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1 authority specifications.

2 3. The authority shall require the submission to it by each  
3 lending institution from which the authority has purchased  
4 loans of evidence satisfactory to the authority of the making  
5 of mortgage or secured loans to beginning farmers as required  
6 by this section and in that connection may, through its  
7 members, employees, or agents, inspect the books and records of  
8 a lending institution.

9 4. Compliance by a lending institution with the terms of  
10 its agreement with the authority with respect to the making  
11 of mortgage or secured loans to beginning farmers may be  
12 enforced by decree of any district court of this state. The  
13 authority may require as a condition of purchase of mortgage  
14 or secured loans from any national banking association or  
15 federally chartered savings and loan association the consent  
16 of the association to the jurisdiction of the courts of this  
17 state over any enforcement proceeding. The authority may also  
18 require as a condition of the purchase of mortgage or secured  
19 loans from a lending institution agreement by the lending  
20 institution to the payment of penalties to the authority for  
21 violation by the lending institution of its agreement with the  
22 authority and the penalties shall be recoverable at the suit  
23 of the authority.

24 5. The authority may require as a condition of purchase of  
25 a mortgage or secured loan from a lending institution that the  
26 lending institution make representations and warranties the  
27 authority requires. A lending institution is liable to the  
28 authority for damages suffered by the authority by reason of  
29 the untruth of a representation or the breach of a warranty  
30 and, in the event that a representation proves to be untrue  
31 when made or in the event of a breach of warranty, the lending  
32 institution shall, at the option of the authority, repurchase  
33 the mortgage or secured loan for the original purchase price  
34 adjusted for amounts subsequently paid on it, as the authority  
35 determines.

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1     6. The authority shall require the recording of an  
2 assignment of a mortgage loan purchased by the authority  
3 from a lending institution and is not required to notify the  
4 mortgagor of the authority's purchase of the mortgage loan.  
5 The authority is not required to inspect or take possession  
6 of the mortgage documents if the lending institution from  
7 which the mortgage loan is purchased enters into a contract to  
8 service the mortgage loan and account to the authority for it.

9     7. If a provision of this section is inconsistent with  
10 another provision of law of this state governing lending  
11 institutions, the provision of this section controls for the  
12 purposes of this section.

13     Sec. 64. NEW SECTION. 16.75 **Beginning farmer loan program.**

14     1. The authority shall develop a beginning farmer loan  
15 program to facilitate the acquisition of agricultural land and  
16 improvements and depreciable agricultural property by beginning  
17 farmers. The authority shall exercise the powers granted to  
18 the authority in this chapter in order to fulfill the goal of  
19 providing financial assistance to beginning farmers in the  
20 acquisition of agricultural land and agricultural improvements  
21 and depreciable agricultural property. The authority may  
22 participate in and cooperate with programs of the United States  
23 department of agriculture consolidated farm service agency,  
24 federal land bank, or any other agency or instrumentality of  
25 the federal government or with any program of any other state  
26 agency in the administration of the beginning farmer loan  
27 program and in the making of loans or purchasing of mortgage or  
28 secured loans pursuant to this subchapter.

29     2. The authority may participate in any federal programs  
30 designed to assist beginning farmers or in any related federal  
31 or state programs.

32     3. The authority shall provide in a beginning farmer loan  
33 program that a loan to or on behalf of a beginning farmer shall  
34 be provided only if the following criteria are satisfied:

35     a. The beginning farmer is a resident of the state.

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1     *b.* The agricultural land and agricultural improvements or  
2 depreciable agricultural property the beginning farmer proposes  
3 to purchase will be located in the state.

4     *c.* The beginning farmer has sufficient education, training,  
5 or experience in the type of farming for which the beginning  
6 farmer requests the loan.

7     *d.* If the loan is for the acquisition of agricultural  
8 land, the beginning farmer has or will have access to adequate  
9 working capital, farm equipment, machinery, or livestock. If  
10 the loan is for the acquisition of depreciable agricultural  
11 property, the beginning farmer has or will have access to  
12 adequate working capital or agricultural land.

13    *e.* The beginning farmer shall materially and substantially  
14 participate in farming.

15    *f.* The agricultural land and agricultural improvements shall  
16 only be used for farming by the beginning farmer, the beginning  
17 farmer's spouse, or the beginning farmer's minor children.

18    *g.* Other criteria as the authority prescribes by rule.

19     4. The authority may provide in a loan made or purchased  
20 pursuant to this subchapter that the loan shall not be assumed  
21 or any interest in the agricultural land or improvements or  
22 depreciable agricultural property may not be leased, sold, or  
23 otherwise conveyed without its prior written consent and may  
24 provide a due-on-sale clause with respect to the occurrence  
25 of any of the foregoing events without its prior written  
26 consent. The authority may provide by rule the grounds for  
27 permitted assumptions of a mortgage or for the leasing, sale,  
28 or other conveyance of any interest in the agricultural land  
29 or improvements. However, the authority shall provide and  
30 state in a loan that the authority has the power to raise the  
31 interest rate of the loan to the prevailing market rate if  
32 the loan is assumed by a farmer who is already established in  
33 that field at the time of the assumption of the loan. This  
34 provision controls with respect to a loan made or purchased  
35 pursuant to this subchapter notwithstanding the provisions of

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1 chapter 535.

2 5. The authority may participate in any interest in any  
3 loan made or purchased pursuant to this subchapter with a  
4 lending institution. The participation interest may be on a  
5 parity with the interest in the loan retained by the authority,  
6 equally and ratably secured by a mortgage or security agreement  
7 securing the loan.

8 Sec. 65. NEW SECTION. **16.76 Loans to beginning farmers.**

9 1. As used in this section, "loan" includes financing  
10 pursuant to an installment contract or contract for purchase  
11 arrangement.

12 2. The authority may make loans, including but not limited  
13 to mortgage or secured loans, or loans insured, guaranteed,  
14 or otherwise secured by the federal government or a federal  
15 governmental agency or instrumentality, or a state agency or  
16 private mortgage insurers, to beginning farmers to provide  
17 financing for agricultural land and agricultural improvements  
18 or depreciable agricultural property.

19 3. A loan shall contain terms and provisions, including  
20 interest rates, and be in a form established by rules of the  
21 authority. The authority may require the beginning farmer  
22 to execute a note, loan, or financing agreement, or other  
23 evidence of indebtedness and furnish additional assurances  
24 and guaranties, including insurance, reasonably related to  
25 protecting the security of the loan, as the authority deems  
26 necessary.

27 Sec. 66. NEW SECTION. **16.78 Administration of beginning  
28 farmer tax credit program.**

29 1. To every extent practicable, the authority shall  
30 administer tax credits under the beginning farmer tax credit  
31 program in a uniform manner that encourages participation by  
32 qualified beginning farmers. The authority shall determine a  
33 qualified beginning farmer's low or moderate net worth by using  
34 a single method applicable to all its programs, including the  
35 beginning farmer tax credit program.

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1     2. The authority shall establish a due date to receive  
2 applications to participate in the beginning farmer tax credit  
3 program. The authority may establish different due dates for  
4 applications to qualify for each beginning farmer tax credit.

5     3. The department of revenue shall cooperate with the  
6 authority in administering the beginning farmer tax credit  
7 program.

8     Sec. 67. NEW SECTION. **16.79 Criteria for beginning farmers**  
9 **qualifying to participate in the beginning farmer tax credit**  
10 **program.**

11     A beginning farmer qualifies to participate in the beginning  
12 farmer tax credit program as provided in this subchapter by  
13 meeting all of the following criteria:

14     1. Is a resident of the state. If the beginning farmer is a  
15 partnership, all partners must be residents of the state. If a  
16 beginning farmer is a family farm corporation, all shareholders  
17 must be residents of the state. If the beginning farmer is  
18 a family farm limited liability company, all members must be  
19 residents of the state.

20     2. Has sufficient education, training, or experience in  
21 farming. If the beginning farmer is a partnership, each  
22 partner who is not a minor must have sufficient education,  
23 training, or experience in farming. If the beginning farmer  
24 is a family farm corporation, each shareholder who is not a  
25 minor must have sufficient education, training, or experience  
26 in farming. If the beginning farmer is a family farm limited  
27 liability company, each member who is not a minor must have  
28 sufficient education, training, or experience in farming.

29     3. Has access to adequate working capital and production  
30 items.

31     4. Will materially and substantially participate in  
32 farming. If the beginning farmer is a partnership, family  
33 farm corporation, or family farm limited liability company,  
34 each partner, shareholder, or member who is not a minor must  
35 materially and substantially participate in farming.

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1     5. Is not responsible for managing or maintaining  
2 agricultural land and other agricultural assets that are  
3 greater than necessary to adequately support a beginning farmer  
4 as determined by the authority according to rules which shall  
5 be adopted by the authority.

6     Sec. 68. NEW SECTION. **16.80 Agricultural assets transfer**  
7 **tax credit — agreement.**

8     1. An agricultural assets transfer tax credit is allowed  
9 under this section. The tax credit is allowed against the  
10 taxes imposed in chapter 422, division II, as provided in  
11 section 422.11M, and in chapter 422, division III, as provided  
12 in section 422.33, to facilitate the transfer of agricultural  
13 assets from a taxpayer to a qualified beginning farmer.

14     2. In order to qualify for the tax credit, the taxpayer  
15 must meet qualifications established by rules adopted by the  
16 authority. At a minimum, the taxpayer must comply with all of  
17 the following:

18     a. Be a person who may acquire or otherwise obtain or lease  
19 agricultural land in this state pursuant to chapter 9H or 9I.  
20 However, the taxpayer must not be a person who may acquire  
21 or otherwise obtain or lease agricultural land exclusively  
22 because of an exception provided in one of those chapters or in  
23 a provision of another chapter of this Code including but not  
24 limited to chapter 10, 10D, or 501, or section 15E.207.

25     b. Execute an agricultural assets transfer agreement with a  
26 qualified beginning farmer as provided in this section.

27     3. An individual may claim a tax credit under this section  
28 of a partnership, limited liability company, S corporation,  
29 estate, or trust electing to have income taxed directly to  
30 the individual. The amount claimed by the individual shall  
31 be based upon the pro rata share of the individual's earnings  
32 from the partnership, limited liability company, S corporation,  
33 estate, or trust.

34     4. The tax credit is allowed only for agricultural assets  
35 that are subject to an agricultural assets transfer agreement.

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1 The agreement shall provide for the lease of agricultural land  
2 located in this state, including any improvements and may  
3 provide for the rental of agricultural equipment as defined in  
4 section 322F.1.

5     *a.* The agreement shall include a lease made on a cash basis  
6 or on a commodity share basis which includes a share of the  
7 crops or livestock produced on the agricultural land. The  
8 agreement must be in writing.

9     *b.* The agreement shall be for at least two years, but  
10 not more than five years. The agreement or that part of  
11 the agreement providing for the lease may be renewed by the  
12 qualified beginning farmer for a term of at least two years,  
13 but not more than five years. An agreement does not include a  
14 lease or the rental of equipment intended as a security.

15     *c.* The agricultural transfer agreement cannot be assigned  
16 and the land subject to the agreement cannot be subleased.

17     5. The tax credit shall be based on the agricultural assets  
18 transfer agreement. The agreement shall be based on a cash  
19 basis or a commodity share basis or both.

20     *a.* For an agreement that includes a lease on a cash basis,  
21 the tax credit shall be computed as follows:

22         (1) If the qualified beginning farmer is not a veteran, the  
23 taxpayer may claim a tax credit equal to seven percent of the  
24 gross amount paid to the taxpayer under the agreement for each  
25 tax year that the tax credit is allowed.

26         (2) If the qualified beginning farmer is a veteran, the  
27 taxpayer may claim eight percent of the gross amount paid to  
28 the taxpayer under the agreement for the first year that the  
29 tax credit is allowed and seven percent of the gross amount  
30 paid to the taxpayer for each subsequent tax year that the  
31 tax credit is allowed. However, the taxpayer may only claim  
32 seven percent of the gross amount paid to the taxpayer under  
33 a renewed agreement or a new agreement executed by the same  
34 parties.

35     *b.* For an agreement that includes a lease on a commodity

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1 share basis, the tax credit shall be computed as follows:

2 (1) (a) If the qualified beginning farmer is not a veteran,  
3 the taxpayer may claim a tax credit equal to seventeen percent  
4 of the amount paid to the taxpayer from crops or animals sold  
5 under the agreement in which the payment is exclusively made  
6 from the sale of crops or animals.

7 (b) If the qualified beginning farmer is a veteran, the  
8 taxpayer may claim a tax credit equal to eighteen percent of  
9 the amount paid to the taxpayer from crops or animals sold  
10 under the agreement for the first tax year that the taxpayer  
11 is allowed the tax credit and seventeen percent of the amount  
12 paid to the taxpayer for each subsequent tax year that the  
13 taxpayer is allowed the tax credit. However, the taxpayer may  
14 only claim seventeen percent of the amount paid to the taxpayer  
15 from crops or animals sold for any tax year under a renewed  
16 agreement or a new agreement executed by the same parties.

17 (2) Notwithstanding subparagraph (1), the authority may  
18 elect an alternative method to compute a tax credit for a lease  
19 based on a crop share basis. The alternative method shall  
20 utilize a formula which uses data compiled by the United States  
21 department of agriculture. The formula shall calculate the  
22 amount of the tax credit by multiplying the average per bushel  
23 yield for the same type of grain as produced under the lease  
24 in the same county where the leased land is located by a per  
25 bushel state price established for such type of grain harvested  
26 the previous fall.

27 6. A tax credit in excess of the taxpayer's liability for  
28 the tax year may be credited to the tax liability for the  
29 following five years or until depleted, whichever is earlier.  
30 A tax credit shall not be carried back to a tax year prior to  
31 the tax year in which the taxpayer redeems the tax credit. A  
32 tax credit shall not be transferable to any other person other  
33 than the taxpayer's estate or trust upon the taxpayer's death.

34 7. A taxpayer shall not claim a tax credit under this  
35 section unless a tax credit certificate issued by the authority

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1 is attached to the taxpayer's tax return for the tax year for  
2 which the tax credit is claimed. The authority must review  
3 and approve an application for a tax credit as provided by  
4 rules adopted by the authority. The application must include  
5 a copy of the agricultural assets transfer agreement. The  
6 authority may approve an application and issue a tax credit  
7 certificate to a taxpayer who has previously been allowed a  
8 tax credit under this section. The authority may require  
9 that the parties to an agricultural assets transfer agreement  
10 provide additional information as determined relevant by the  
11 authority. The authority shall review an application for  
12 a tax credit which includes the renewal of an agricultural  
13 assets transfer agreement to determine that the parties to the  
14 renewed agreement meet the same qualifications as required for  
15 an original application. The authority shall not approve an  
16 application or issue a tax credit certificate to a taxpayer for  
17 an amount in excess of fifty thousand dollars. In addition,  
18 the authority shall not approve an application or issue a  
19 certificate to a taxpayer if any of the following applies:  
20     a. The taxpayer is at fault for terminating a prior  
21 agricultural assets transfer agreement as determined by the  
22 authority.  
23     b. The taxpayer is any of the following:  
24         (1) A party to a pending administrative or judicial action,  
25 including a contested case proceeding under chapter 17A,  
26 relating to an alleged violation involving an animal feeding  
27 operation as regulated by the department of natural resources,  
28 regardless of whether the pending action is brought by the  
29 department or the attorney general.  
30         (2) Classified as a habitual violator for a violation of  
31 state law involving an animal feeding operation as regulated by  
32 the department of natural resources.  
33     c. The agricultural assets are being leased or rented at  
34 a rate which is substantially higher or lower than the market  
35 rate for similar agricultural assets leased or rented within

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1 the same community, as determined by the authority.

2 8. A taxpayer or the qualified beginning farmer may  
3 terminate an agricultural assets transfer agreement as provided  
4 in the agreement or by law. The taxpayer must immediately  
5 notify the authority of the termination.

6 a. If the authority determines that the taxpayer is not  
7 at fault for the termination, the authority shall not issue a  
8 tax credit certificate to the taxpayer for a subsequent tax  
9 year based on the approved application. Any prior tax credit  
10 is allowed as provided in this section. The taxpayer may  
11 apply for and be issued another tax credit certificate for the  
12 same agricultural assets as provided in this section for any  
13 remaining tax years for which a certificate was not issued.

14 b. If the authority determines that the taxpayer is at fault  
15 for the termination, any prior tax credit allowed under this  
16 section is disallowed. The amount of the tax credit shall be  
17 immediately due and payable to the department of revenue. If  
18 a taxpayer does not immediately notify the authority of the  
19 termination, the taxpayer shall be conclusively deemed at fault  
20 for the termination.

21 Sec. 69. NEW SECTION. 16.81 Custom farming contract tax  
22 credit.

23 1. A custom farming contract tax credit is allowed under  
24 this section. The tax credit is allowed against the taxes  
25 imposed in chapter 422, division II, as provided in section  
26 422.11M, and in chapter 422, division III, as provided in  
27 section 422.33, to encourage taxpayers who are considering  
28 custom farming agricultural land located in this state to  
29 negotiate with qualified beginning farmers.

30 2. In order to be eligible to claim a custom farming  
31 contract tax credit, the taxpayer must meet qualifications  
32 established by rules adopted by the authority. At a minimum,  
33 the taxpayer must be a person who may acquire or otherwise  
34 obtain or lease agricultural land in the same manner as  
35 provided for a taxpayer claiming an agricultural assets

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1 transfer tax credit under section 16.80.

2 3. An individual may claim a custom farming contract  
3 tax credit of a partnership, limited liability company,  
4 S corporation, estate, or trust electing to have income  
5 taxed directly to the individual. The amount claimed by the  
6 individual shall be based upon the pro rata share of the  
7 individual's earnings from the partnership, limited liability  
8 company, S corporation, estate, or trust.

9 4. A custom farming contract tax credit is allowed only for  
10 the amount paid by the taxpayer to a qualified beginning farmer  
11 under a custom farming contract as provided in rules adopted by  
12 the department. The contract must provide for the production  
13 of crops located on agricultural land or the production of  
14 livestock principally located on agricultural land. The  
15 agricultural land must be real estate and any improvements used  
16 for farming in which the taxpayer holds a legal or equitable  
17 interest.

18 5. The custom farming contract must provide that the  
19 taxpayer pay the qualified beginning farmer on a cash basis.  
20 The contract must be in writing for a term of not more than  
21 twelve months. The total cash payment must equal at least one  
22 thousand dollars.

23 6. The taxpayer must make all management decisions  
24 substantially contributing to or affecting the production  
25 of crops located on the agricultural land or the production  
26 of livestock principally located on the agricultural land.  
27 However, nothing in this subsection prohibits a qualified  
28 beginning farmer from regularly or frequently taking part in  
29 making day-to-day operational decisions affecting production.  
30 The qualified beginning farmer must provide for all of the  
31 following:

32 a. Production items principally used to produce crops  
33 located on the agricultural land or to produce livestock  
34 principally located on the agricultural land.

35 b. Labor principally used to produce crops located on the

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1 agricultural land or to produce livestock principally located  
2 on the agricultural land. The qualified beginning farmer must  
3 personally provide such labor on a regular, continuous, and  
4 substantial basis.

5 7. A custom farming contract tax credit is not allowed if  
6 the taxpayer and qualified beginning farmer are related as any  
7 of the following:

8 a. Persons who hold a legal or equitable interest in the  
9 same agricultural land, including as individuals or as general  
10 partners, limited partners, shareholders, or members in the  
11 same business entity as defined in section 501A.102.

12 b. Family members related as spouse, child, stepchild,  
13 brother, or sister.

14 c. Partners in the same partnership which holds agricultural  
15 land, or shareholders in the same family farm corporation or  
16 members in the same family farm limited liability company and  
17 defined in section 9H.1.

18 8. A custom farming contract tax credit shall be calculated  
19 based on the gross amount paid to the qualified beginning  
20 farmer under the custom farming contract.

21 a. If the qualified beginning farmer is not a veteran, the  
22 taxpayer may claim a tax credit equal to seven percent of the  
23 gross amount paid to the qualified beginning farmer under the  
24 contract for each tax year that the tax credit is allowed.

25 b. If the qualified beginning farmer is a veteran, the  
26 taxpayer may claim a tax credit equal to eight percent of the  
27 gross amount paid to the qualified beginning farmer under the  
28 contract for the first year that the tax credit is allowed  
29 and seven percent of the gross amount paid to the qualified  
30 beginning farmer under the contract for each subsequent tax  
31 year that the tax credit is allowed. However, the taxpayer  
32 may only claim seven percent of the gross amount paid to the  
33 qualified beginning farmer under a renewed contract or a new  
34 contract executed by the same parties.

35 9. A custom farming contract tax credit in excess of the

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1 taxpayer's liability for the tax year may be credited to the  
2 tax liability for the following five years or until depleted,  
3 whichever is earlier. A tax credit shall not be carried back  
4 to a tax year prior to the tax year in which the taxpayer  
5 redeems the tax credit. A tax credit shall not be transferable  
6 to any other person other than the taxpayer's estate or trust  
7 upon the taxpayer's death.

8 10. A taxpayer shall not claim a custom farming contract  
9 tax credit unless a tax credit certificate issued by the  
10 authority under this section is attached to the taxpayer's tax  
11 return for the tax year for which the tax credit is claimed.  
12 The authority must review and approve an application for a  
13 tax credit certificate as provided by rules adopted by the  
14 authority. The application must include a copy of the custom  
15 farming contract. The authority may approve an application  
16 and issue a tax credit certificate to a taxpayer who has  
17 previously been allowed a tax credit under this section.  
18 The authority may require that the parties to the contract  
19 provide additional information as determined relevant by the  
20 authority. The authority shall review an application for a tax  
21 credit certificate which includes the renewal of a contract to  
22 determine that the parties to the renewed contract meet the  
23 same qualifications as required for an original application.  
24 The authority shall not approve an application or issue a tax  
25 credit certificate to a taxpayer for an amount in excess of  
26 fifty thousand dollars. In addition, the authority shall not  
27 approve an application or issue a tax credit certificate to a  
28 taxpayer if any of the following applies:

29 a. The taxpayer is at fault for terminating another custom  
30 farming contract, as determined by the authority.

31 b. The taxpayer is party to a pending administrative or  
32 judicial action, or classified as a habitual violator in the  
33 same manner as provided in section 16.80.

34 c. The contract amount is substantially higher or lower  
35 than the market rate for a similar custom farming contract, as

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1 determined by the authority.

2 11. A taxpayer or the qualified beginning farmer may  
3 terminate a custom farming contract as provided in the contract  
4 or by law. The taxpayer must immediately notify the authority  
5 of the termination.

6 a. If the authority determines that the taxpayer is not  
7 at fault for the termination, the authority shall not issue a  
8 tax credit certificate to the taxpayer for a subsequent tax  
9 year based on the approved application. Any prior tax credit  
10 is allowed as provided in this section until its expiration.  
11 The taxpayer may apply for and be issued another tax credit  
12 certificate for the same agricultural land under a custom  
13 farming contract with another qualified beginning farmer.

14 b. If the authority determines that the taxpayer is at fault  
15 for the termination, any prior tax credit allowed under this  
16 section is disallowed, and the amount of the tax credit shall  
17 be immediately due and payable to the department of revenue.  
18 If a taxpayer does not immediately notify the authority of the  
19 termination, the taxpayer shall be conclusively deemed at fault  
20 for the termination.

21 Sec. 70. NEW SECTION. 16.82 Tax credit certificates —  
22 availability.

23 1. The amount of tax credits that may be issued to support  
24 the beginning farmer tax credit program shall not in the  
25 aggregate exceed twelve million dollars in any year. Of the  
26 aggregate amount, eight million dollars is allocated to support  
27 the agricultural assets transfer tax credit as provided in  
28 section 16.80 and four million dollars is allocated to support  
29 the custom farming contract tax credit as provided in section  
30 16.81. However, the authority's board of directors may at  
31 any time during the year adjust the allocation by adopting a  
32 resolution.

33 2. The authority shall issue tax certificates to support  
34 a beginning farmer tax credit on a first-come, first-served  
35 basis.



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1     Sec. 71. NEW SECTION.   16.83   Additional loan program.

2     1. The authority may enter into a loan agreement with a  
3 beginning farmer to finance in whole or in part the acquisition  
4 by construction or purchase of agricultural land, agricultural  
5 improvements, or depreciable agricultural property. The  
6 repayment obligation of the beginning farmer may be unsecured,  
7 or may be secured by a mortgage or security agreement or by  
8 other security as the authority deems advisable, and may  
9 be evidenced by one or more notes of the beginning farmer.  
10 The loan agreement may contain terms and conditions as the  
11 authority deems advisable.

12    2. The authority may issue its bonds and notes for the  
13 purposes set forth in subsection 1 and may enter into a lending  
14 agreement or purchase agreement with one or more bondholders  
15 or noteholders containing the terms and conditions of the  
16 repayment of and the security for the bonds or notes. Bonds  
17 and notes must be authorized by a resolution of the authority.  
18 The authority and the bondholders or noteholders may enter into  
19 an agreement to provide for any of the following:

20     a. That the proceeds of the bonds and notes and investments  
21 thereon may be received, held, and disbursed by the bondholders  
22 or noteholders, or by a trustee or agent designated by the  
23 authority.

24     b. That the bondholders or noteholders or a trustee or agent  
25 designated by the authority may collect, invest, and apply the  
26 amounts payable under the loan agreement or any other security  
27 instrument securing the debt obligation of the beginning  
28 farmer.

29     c. That the bondholders or noteholders may enforce the  
30 remedies provided in the loan agreement or security instrument  
31 on their own behalf without the appointment or designation of  
32 a trustee and if there is a default in the principal of or  
33 interest on the bonds or notes or in the performance of any  
34 agreement contained therein, the payment or performance may be  
35 enforced in accordance with the provisions contained therein.

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1     *d.* That if there is a default in the payment of the  
2 principal or interest on a mortgage or security instrument  
3 or a violation of an agreement contained in the mortgage or  
4 security instrument, the mortgage or security instrument  
5 may be foreclosed or enforced and any collateral sold under  
6 proceedings or actions permitted by law and a trustee under the  
7 mortgage or security agreement or the holder of any bonds or  
8 notes secured thereby may become a purchaser if the trustee or  
9 holder is the highest bidder.

10    *e.* Other terms and conditions.

11     3. The authority may provide in the resolution authorizing  
12 the issuance of the bonds or notes that the principal and  
13 interest shall be limited obligations payable solely out of the  
14 revenues derived from the debt obligation, collateral, or other  
15 security furnished by or on behalf of the beginning farmer,  
16 and that the principal and interest does not constitute an  
17 indebtedness of the authority or a charge against its general  
18 credit or general fund.

19     4. The powers granted the authority under this section  
20 are in addition to other powers granted to the authority  
21 to administer this subchapter as provided in this chapter.  
22 All other provisions of this chapter, except section 16.28,  
23 subsection 4, apply to bonds or notes issued pursuant to and  
24 powers granted to the authority under this section except to  
25 the extent that they are inconsistent with this section.

26     Sec. 72. NEW SECTION. **16.84 Financial assistance for**  
27 **agricultural producers.**

28     1. In addition to the other programs authorized pursuant  
29 to this subchapter, the authority is authorized to provide  
30 any type of economic assistance directly or indirectly to  
31 agricultural producers, and may develop and implement programs  
32 including but not limited to the making of loan guaranties,  
33 interest buy-downs, grants, secured or unsecured direct  
34 loans, secondary market purchases of loans or mortgages, loans  
35 to lending institutions or other agricultural lenders as

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1 designated by rule of the authority, or entities that provide  
2 funds or credits to such lenders or institutions, to assist  
3 agricultural producers within the state. The authority may  
4 exercise any of the powers granted to the authority in this  
5 chapter in order to fulfill the goal of providing financial  
6 assistance to agricultural producers. The authority may  
7 participate in and cooperate with programs of any agency or  
8 instrumentality of the federal government or with programs of  
9 any other state agency in the administration of the programs to  
10 provide economic assistance to agricultural producers.

11 2. The authority shall provide in any program developed and  
12 implemented pursuant to this section that assistance shall be  
13 provided only if the following criteria are satisfied:

14 a. The agricultural producer is a resident of the state.

15 b. The agricultural producer's land and farm operations are  
16 located within the state.

17 c. Based upon the agricultural producer's net worth, cash  
18 flow, debt-to-asset ratio, and other criteria as prescribed by  
19 rule of the authority, the authority determines that without  
20 such assistance the agricultural producer could not reasonably  
21 be expected to be able to obtain, retain, restructure, or  
22 service loans or other financing for operating expenses, cash  
23 flow requirements, or capital acquisition and maintenance upon  
24 a reasonable and affordable basis.

25 d. Other criteria as the authority prescribes by rule.

26 3. The authority is granted all powers which are necessary  
27 or useful to develop and implement programs and authorizations  
28 pursuant to subsection 1. These powers include but are not  
29 limited to:

30 a. All general and specific powers stated in subchapter IV  
31 and this subchapter.

32 b. The power to make or enter into or to require the  
33 making or entry into of agreements of any type, with or  
34 by any person, that are necessary to effect the purposes  
35 of this section. These agreements may include but are not

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1 limited to contracts, notes, bonds, guaranties, mortgages,  
2 loan agreements, trust indentures, reimbursement agreements,  
3 letters of credit or other liquidity or credit enhancement  
4 agreements, reserve agreements, loan or mortgage purchase  
5 agreements, buy-down agreements, grants, collateral or security  
6 agreements, insurance contracts, or other similar documents.  
7 The agreements may contain any terms and conditions which the  
8 authority determines are reasonably necessary or useful to  
9 implement the purposes of this section or which are usually  
10 included in agreements or documents between private or public  
11 persons in similar transactions.

12 *c.* The power to require submission of evidence satisfactory  
13 to the authority of the receipt by an agricultural producer  
14 of the assistance intended under a program developed and  
15 implemented pursuant to this section. In that connection,  
16 the authority, through its members, employees, or agents,  
17 may inspect the books and records of any person receiving or  
18 involved in the provision of assistance in accordance with this  
19 section.

20 *d.* The power to establish by rule appropriate enforcement  
21 provisions in order to assure compliance with this section and  
22 rules adopted pursuant to this section, to seek the enforcement  
23 of such rules and the terms of any agreement or document by  
24 decree of any court of competent jurisdiction, and to require  
25 as a condition of providing assistance pursuant to this  
26 section the consent of any person receiving or involved in the  
27 provision of the assistance to the jurisdiction of the courts  
28 of this state over any enforcement proceeding.

29 *e.* The power to require, as a condition of the provision  
30 of assistance pursuant to this section, any representations  
31 and warranties on the part of any person receiving or  
32 involved in providing such assistance that the authority  
33 determines are reasonably necessary or useful to carry out the  
34 purposes of this section. A person receiving or involved in  
35 providing assistance pursuant to this section is liable to the

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1 authority for damages suffered by the authority by reason of a  
2 misrepresentation or the breach of a warranty.

3 4. All persons, public and private, are authorized to  
4 cooperate with the authority and to participate in the programs  
5 developed and implemented pursuant to this section and in  
6 accordance with the rules of the authority.

7 5. The powers granted the authority under this section  
8 are in addition to other powers contained in this chapter.  
9 All other provisions of this chapter, except section 16.28,  
10 subsection 4, apply to bonds or notes issued pursuant to powers  
11 granted to the authority under this section, to reserve funds,  
12 to appropriations, and to the remedies of bondholders and  
13 noteholders except to the extent that they are inconsistent  
14 with this section.

15 Sec. 73. NEW SECTION. 16.90 Definition.

16 As used in this subchapter, unless the context otherwise  
17 requires, "*title guaranty*" means a guaranty against loss or  
18 damage caused by a defective title to real property.

19 Sec. 74. Section 16.91, subsection 1, Code 2014, is amended  
20 to read as follows:

21 1. The authority through the Iowa title guaranty division  
22 shall initiate and operate a program in which the division  
23 shall offer guaranties of real property titles in this state.  
24 The terms, conditions and form of the guaranty contract shall  
25 be forms approved by the division board. The division shall  
26 fix a charge for the guaranty in an amount sufficient to permit  
27 the program to operate on a self-sustaining basis, including  
28 payment of administrative costs and the maintenance of an  
29 adequate reserve against claims under the title guaranty  
30 program. A title guaranty fund is created in the office of  
31 the treasurer of state. Funds collected under this program  
32 shall be placed in the title guaranty fund and are available  
33 to pay all claims, necessary reserves and all administrative  
34 costs of the title guaranty program. Moneys in the fund shall  
35 not revert to the general fund and interest on the moneys

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1 in the fund shall be deposited in the housing trust fund  
2 established in section ~~16.181~~ 16.45 and shall not accrue to the  
3 general fund. If the authority board in consultation with the  
4 division board determines that there are surplus funds in the  
5 title guaranty fund after providing for adequate reserves and  
6 operating expenses of the division, the surplus funds shall be  
7 transferred to the housing assistance fund created pursuant to  
8 section 16.40.

9 Sec. 75. Section 16.92, subsection 1, paragraph c, Code  
10 2014, is amended to read as follows:

11 c. "Division" means the Iowa title guaranty division in  
12 the Iowa finance authority, the director of the division, or a  
13 designee of the director.

14 Sec. 76. Section 16.93, subsection 1, unnumbered paragraph  
15 1, Code 2014, is amended to read as follows:

16 The authority through the Iowa title guaranty division  
17 may issue a closing protection letter to a person to whom a  
18 proposed title guaranty is to be issued, upon the request of  
19 the person, if the division issues a commitment for title  
20 guaranty or title guaranty certificate. The closing protection  
21 letter shall conform to the terms of coverage and form of the  
22 instrument as approved by the division board and may indemnify  
23 a person to whom a proposed title guaranty is to be issued  
24 against loss of settlement funds due to only the following acts  
25 of the division's named participating attorney, participating  
26 abstractor, or closer:

27 Sec. 77. Section 16.102, Code 2014, is amended to read as  
28 follows:

29 **16.102 Establishment of ~~bond-bank~~ economic development**  
30 **program — bonds and notes — projects.**

31 The authority may assist the development and expansion  
32 of family farming, ~~soil conservation~~, housing, and business  
33 in the state through the establishment of the ~~Iowa~~ economic  
34 development ~~bond-bank~~ program. The authority may issue its  
35 bonds or notes, or series of bonds or notes for the purpose of

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1 defraying the cost of one or more projects and make secured  
2 and unsecured loans for the acquisition and construction of  
3 projects on terms the authority determines.

4 Sec. 78. Section 16.103, unnumbered paragraph 1, Code 2014,  
5 is amended to read as follows:

6 In carrying out the Iowa economic development bond bank  
7 program, the authority may do any of the following:

8 Sec. 79. Section 16.105, subsection 1, unnumbered paragraph  
9 1, Code 2014, is amended to read as follows:

10 The authority may provide in the resolution authorizing  
11 the issuance of its bonds or notes for the Iowa economic  
12 development bond bank program that the principal of, premium,  
13 if any, and interest on the bonds or notes are payable  
14 exclusively from any of the following:

15 Sec. 80. Section 16.105, subsections 10 and 13, Code 2014,  
16 are amended by striking the subsections.

17 Sec. 81. Section 16.131, subsection 1, Code 2014, is amended  
18 to read as follows:

19 1. The authority shall cooperate with the department  
20 of natural resources in the creation, administration, and  
21 financing of the Iowa water pollution control works and  
22 drinking water facilities financing program established in  
23 sections 455B.291 through 455B.299.

24 Sec. 82. Section 16.131A, subsection 8, Code 2014, is  
25 amended to read as follows:

26 8. "*Program*" means the Iowa water pollution control works  
27 and drinking water facilities financing program created  
28 pursuant to section 455B.294.

29 Sec. 83. Section 16.132, subsection 6, Code 2014, is amended  
30 by striking the subsection.

31 Sec. 84. Section 16.134, subsection 4, paragraph c, Code  
32 2014, is amended to read as follows:

33 c. Priority shall be given to projects in which the  
34 financial assistance is used to obtain financing under the Iowa  
35 water pollution control works and drinking water facilities

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1 financing program pursuant to section 16.131 or other federal  
2 or state financing.

3 EFFECTIVE DATE

4 Sec. 85. EFFECTIVE DATE. This division of this Act takes  
5 effect January 1, 2015.

6 DIVISION II

7 COORDINATING AMENDMENTS

8 GENERAL PROVISIONS

9 Sec. 86. Section 2.48, subsection 3, paragraph c,  
10 subparagraph (4), Code 2014, is amended by striking the  
11 subparagraph.

12 Sec. 87. Section 2.48, subsection 3, paragraph e,  
13 subparagraph (1), Code 2014, is amended to read as follows:

14 (1) (a) The agricultural assets transfer tax credit ~~under~~  
15 as provided in section 175.37 and the 16.80.

16 (b) The custom farming contract tax credit as provided in  
17 ~~section 175.38~~ 16.81.

18 Sec. 88. Section 7C.4A, subsection 4, Code 2014, is amended  
19 to read as follows:

20 4. Twenty-one percent of the state ceiling shall be  
21 allocated to qualified small issue bonds issued for first-time  
22 farmers under chapter ~~175~~ 16, subchapter VIII. However, at any  
23 time during the calendar year the governor's designee, with the  
24 approval of the Iowa finance authority, may determine that a  
25 lesser amount need be allocated to qualified small issue bonds  
26 for first-time farmers and on that date this lesser amount  
27 shall be the amount allocated for those bonds and the excess  
28 shall be allocated under subsection 7.

29 Sec. 89. Section 15F.204, subsection 8, paragraph e, Code  
30 2014, is amended by striking the paragraph.

31 Sec. 90. Section 159.18, subsection 1, Code 2014, is amended  
32 to read as follows:

33 1. As used in this section, "*farm programs*" includes, but  
34 is not limited to, financial incentive programs established  
35 within the division of soil conservation of the department of

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1 agriculture and land stewardship as provided in section 161A.70  
2 and the beginning farmer loan program administered by the Iowa  
3 finance authority as provided in section ~~175.12~~ 16.75.

4 Sec. 91. Section 237.14, Code 2014, is amended to read as  
5 follows:

6 **237.14 Enhanced foster care services.**

7 The department shall provide for enhanced foster  
8 care services by establishing supplemental per diem or  
9 performance-based contracts which include payment of costs  
10 relating to payments of principal and interest for bonds and  
11 notes issued pursuant to section ~~16.155~~ 16.57 with facilities  
12 licensed under this chapter which provide special services to  
13 children who would otherwise be placed in a state juvenile  
14 institution or an out-of-state program. Before completion of  
15 the department's budget estimate as required by section 8.23,  
16 the department shall determine and include in the estimate the  
17 amount which should be appropriated for enhanced foster care  
18 services for the forthcoming fiscal year in order to provide  
19 sufficient services.

20 Sec. 92. Section 422.7, subsection 2, paragraphs e and k,  
21 Code 2014, are amended to read as follows:

22 ~~e. Iowa-water~~ Water pollution control works and drinking  
23 facilities financing program bonds pursuant to section 16.131,  
24 subsection 5.

25 ~~k. Iowa finance authority beginning farmer loan program~~  
26 ~~bonds pursuant to section 175.17~~ 16.64, subsection ~~10~~ 2.

27 Sec. 93. Section 422.11M, Code 2014, is amended to read as  
28 follows:

29 **422.11M Beginning farmers — agricultural assets transfer**  
30 **tax credit and custom farming contract tax credit.**

31 The taxes imposed under this division, less the credits  
32 allowed under section 422.12, shall be reduced by the  
33 following:

34 1. An agricultural assets transfer tax credit as allowed  
35 under section ~~175.37~~ 16.80.

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1     2. A custom farming contract tax credit as allowed under  
2 section ~~175.38~~ 16.81.  
3     Sec. 94. Section 422.33, subsection 21, Code 2014, is  
4 amended to read as follows:  
5     21. The taxes imposed under this division shall be reduced  
6 by the following:  
7     a. An agricultural assets transfer tax credit as allowed  
8 under section ~~175.37~~ 16.80.  
9     b. A custom farming contract tax credit as allowed under  
10 section ~~175.38~~ 16.81.  
11     Sec. 95. Section 422.33, subsection 27, Code 2014, is  
12 amended by striking the subsection.  
13     Sec. 96. Section 428A.8, subsection 2, unnumbered paragraph  
14 1, Code 2014, is amended to read as follows:  
15     The treasurer of state shall deposit or transfer the  
16 receipts paid the treasurer of state pursuant to subsection 1  
17 to either the general fund of the state, the shelter assistance  
18 fund created in section 16.41, or the housing trust fund  
19 created in section 16.181, or the shelter assistance fund  
20 created in section 16.41 16.45 as follows:  
21     Sec. 97. Section 455B.291, subsection 8, Code 2014, is  
22 amended to read as follows:  
23     8. "Program" means the ~~Iowa~~ water pollution control works  
24 and drinking water facilities financing program created  
25 pursuant to section 455B.294.  
26     Sec. 98. Section 455B.294, Code 2014, is amended to read as  
27 follows:  
28     **455B.294 Establishment of the ~~Iowa~~ water pollution control**  
29 **works and drinking water facilities financing program.**  
30     The ~~Iowa~~ water pollution control works and drinking water  
31 facilities financing program is established for the purpose of  
32 making loans available to eligible entities to finance all or  
33 part of the costs of projects. The program shall be a joint and  
34 cooperative undertaking of the department and the authority.  
35 The department and the authority may enter into and provide

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1 any agreements, documents, instruments, certificates, data,  
2 or information necessary in connection with the operation,  
3 administration, and financing of the program consistent with  
4 this part, the Safe Drinking Water Act, the Clean Water Act,  
5 the rules of the department and the commission, the rules of  
6 the authority, and other applicable federal and state law. The  
7 authority and the department may act to conform the program to  
8 the applicable guidance and regulations adopted by the United  
9 States environmental protection agency.

10 Sec. 99. Section 456A.38, subsection 1, paragraph a, Code  
11 2014, is amended to read as follows:

12 a. "Agricultural land", "authority", "beginning farmer", and  
13 "farming" mean the same as defined in section ~~175.2~~ 16.58.

14 Sec. 100. Section 456A.38, subsection 4, Code 2014, is  
15 amended to read as follows:

16 4. The department shall execute a lease with a beginning  
17 farmer selected to participate in the program after such person  
18 has been certified by the authority as a beginning farmer who  
19 meets the requirements of the authority, which shall be based  
20 on section ~~175.12~~ 16.75, subsection 3, paragraphs "a", "c", "f",  
21 and "g".

22 Sec. 101. Section 502.201, subsection 9B, Code 2014, is  
23 amended to read as follows:

24 9B. *Iowa finance authority.* Any security issued by the  
25 Iowa finance authority under chapter ~~175~~ 16, subchapter VIII.

26 Sec. 102. Section 535B.10, subsection 6, paragraph h, Code  
27 2014, is amended to read as follows:

28 h. The administrator may furnish information to the Iowa  
29 title guaranty division of the Iowa finance authority relating  
30 to supervision of closing agent licensees whose activities  
31 relate to the issuance of title guaranty certificates issued  
32 by the title guaranty division. The Iowa title guaranty  
33 division may use this information to satisfy its reinsurance  
34 requirements and may provide the information to its reinsurer  
35 to the extent necessary to satisfy reinsurer requirements



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1 provided the reinsurer agrees to maintain the confidentiality  
2 of the information. The Iowa title guaranty division shall  
3 maintain the confidentiality of the information provided  
4 pursuant to this paragraph in all other respects.

5 Sec. 103. Section 543B.46, subsection 1, Code 2014, is  
6 amended to read as follows:

7 1. Each real estate broker shall maintain a common trust  
8 account in a bank, savings association, or credit union for  
9 the deposit of all down payments, earnest money deposits,  
10 or other trust funds received by the broker or the broker's  
11 salespersons on behalf of the broker's principal, except that a  
12 broker acting as a salesperson shall deposit these funds in the  
13 common trust account of the broker for whom the broker acts as  
14 salesperson. The account shall be an interest-bearing account.  
15 The interest on the account shall be transferred quarterly to  
16 the treasurer of state and transferred to the Iowa finance  
17 authority for deposit in the housing trust fund established  
18 in section ~~16.181~~ 16.45 unless there is a written agreement  
19 between the buyer and seller to the contrary. The broker shall  
20 not benefit from interest received on funds of others in the  
21 broker's possession.

22 Sec. 104. Section 543D.21, subsection 3, Code 2014, is  
23 amended to read as follows:

24 3. In addition to or as an alternative to making application  
25 to the district court for an injunction, the board may issue  
26 an order to a person who is not certified or registered under  
27 this chapter to require compliance with this chapter and may  
28 impose a civil penalty against such person for any violation  
29 of subsection 4 in an amount up to one thousand dollars for  
30 each violation. All civil penalties collected pursuant to this  
31 subsection shall be deposited in the housing trust fund created  
32 in section ~~16.181~~ 16.45. An order issued pursuant to this  
33 section may prohibit a person from applying for certification  
34 or registration under this chapter.

35 Sec. 105. Section 654.16, unnumbered paragraph 1, Code

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1 2014, is amended to read as follows:

2 If a sheriff's sale is ordered on agricultural land used for  
3 farming, as defined in section ~~175.2~~ 16.58, the mortgagor may,  
4 by a date set by the court but not later than ten days before  
5 the sale, designate to the court the portion of the land which  
6 the mortgagor claims as a homestead. The homestead may be any  
7 contiguous portion of forty acres or less of the real estate  
8 subject to the sheriff's sale. The homestead shall contain  
9 the residence of the mortgagor and shall be as compact as  
10 practicable.

11 Sec. 106. Section 654.16A, subsection 1, Code 2014, is  
12 amended to read as follows:

13 1. Not later than the time a sheriff's deed to agricultural  
14 land used for farming, as defined in section ~~175.2~~ 16.58, is  
15 recorded, the grantee recording the sheriff's deed shall notify  
16 the mortgagor of the mortgagor's right of first refusal. The  
17 grantee shall record the sheriff's deed within one year and  
18 sixty days from the date of the sheriff's sale. A copy of  
19 this section, titled "Notice of Right of First Refusal" is  
20 sufficient notice.

21 EFFECTIVE DATE

22 Sec. 107. EFFECTIVE DATE. This division of this Act takes  
23 effect January 1, 2015.

24 DIVISION III

25 CODIFICATION

26 GENERAL PROVISIONS

27 Sec. 108. REORGANIZATION. The Code editor shall create new  
28 subchapters, parts, and subparts in chapter 16, as amended in  
29 this Act, for publication in the 2015 Code as follows:

30 1. Subchapter I may include section 16.1 as amended in this  
31 Act. The subchapter may be entitled "General Definitions".

32 2. Subchapter II may include sections 16.1A, 16.2, and  
33 16.2A, as amended in this Act, and sections 16.2B through  
34 16.2D as enacted in this Act. The subchapter may be entitled  
35 "Governance". The subchapter may be divided into parts as

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1 follows:

2 a. Part 1 may include sections 16.1A and 16.2 as amended in  
3 this Act. The part may be entitled "General".

4 b. Part 2 may include section 16.2A as amended in this Act  
5 and sections 16.2B through 16.2D as enacted in this Act. The  
6 part may be entitled "Special Governing Units".

7 3. Subchapter III may include section 16.2E as enacted in  
8 this Act, section 16.3 as amended by this Act, reserved section  
9 16.3A as repealed in this Act, section 16.4 as amended in  
10 this Act, and sections 16.4A through 16.4D as enacted in this  
11 Act. The subchapter may be entitled "Legislative Findings and  
12 Guiding Principles". The subchapter may be divided into parts  
13 as follows:

14 a. Part 1 may include section 16.2E as enacted in this Act.  
15 The part may be entitled "General".

16 b. Part 2 may include sections 16.3 as amended by this  
17 Act, reserved section 16.3A as repealed in this Act, and  
18 section 16.4 as amended in this Act. The part may be entitled  
19 "Housing".

20 c. Part 3 may include sections 16.4A and 16.4B as enacted in  
21 this Act. The part may be entitled "Agricultural Development".

22 d. Part 4 may include section 16.4C as enacted in this Act.  
23 The part may be entitled "Title Guaranty".

24 e. Part 5 may include section 16.4D as enacted in this Act.  
25 The part may be entitled "Economic Development".

26 4. Subchapter IV may include sections 16.5 as amended in  
27 this Act, reserved sections 16.5A and 16.5B, section 16.5C  
28 as amended in this Act, and section 16.5D as enacted in this  
29 Act. The subchapter may be entitled "Powers and Duties". The  
30 subchapter may be divided into parts as follows:

31 a. Part 1 may include section 16.5 as amended in this  
32 Act, and reserved sections 16.5A and 16.5B. The part may be  
33 entitled "General Powers and Duties".

34 b. Part 2 may include section 16.5C as amended in this Act  
35 and section 16.5D as enacted in this Act. The part may be

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1 entitled "Specific Powers".

2 5. Subchapter V may include section 16.6, section 16.7  
3 as amended in this Act, reserved section 16.8, section 16.9  
4 as amended in this Act, reserved section 16.10 as repealed  
5 in this Act, section 16.11 as enacted in this Act, reserved  
6 section 16.12, section 16.13 as enacted in this Act, reserved  
7 section 16.14, reserved section 16.15 as repealed in this Act,  
8 and sections 16.16 through 16.19 as enacted in this Act. The  
9 subchapter may be entitled "Administration". The subchapter  
10 may be divided into parts as follows:

11 a. Part 1 may include section 16.6. The part may be  
12 entitled "Executive Director".

13 b. Part 2 may include section 16.7 as amended in this  
14 Act, reserved section 16.8, section 16.9 as amended in this  
15 Act, reserved section 16.10 as repealed in this Act, section  
16 16.11 as enacted in this Act, reserved section 16.12, section  
17 16.13 as enacted in this Act, reserved section 16.14, reserved  
18 section 16.15 as repealed in this Act, and section 16.16 as  
19 enacted in this Act. The part may be entitled "General".

20 c. Part 3 may include sections 16.17 through 16.19 as  
21 enacted in this Act. The part may be entitled "Statutory  
22 Construction".

23 6. Subchapter VI may include reserved sections 16.20 and  
24 16.21 as repealed in this Act, section 16.22 as enacted in this  
25 Act, reserved sections 16.23 through 16.25, sections 16.26  
26 and 16.27 as amended in this Act, section 16.27A as enacted  
27 in this Act, section 16.28, section 16.29 as enacted in this  
28 Act, sections 16.30 and 16.31, section 16.32 as enacted in this  
29 Act, and reserved section 16.33 as repealed in this Act. The  
30 subchapter may be entitled "Financing".

31 7. Subchapter VII may include reserved section 16.34 as  
32 repealed in this Act, sections 16.34A through 16.36 as enacted  
33 in this Act, reserved section 16.37 as repealed in this Act,  
34 sections 16.38 and 16.39 as enacted in this Act, section 16.40  
35 as amended in this Act, section 16.41, reserved section 16.42

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1 as repealed in this Act, section 16.43 as enacted in this Act,  
2 section 16.44, sections 16.45 through 16.50 as enacted in  
3 this Act, section 16.51, reserved section 16.52 as repealed  
4 in this Act, sections 16.53 and 16.54, and sections 16.55  
5 through 16.57 as enacted in this Act. The subchapter may be  
6 entitled "Housing". The subchapter may be divided into parts  
7 as follows:

8 a. Part 1 may include reserved section 16.34 as repealed in  
9 this Act and section 16.34A as enacted in this Act. The part  
10 may be entitled "Special Definition".

11 b. Part 2 may include sections 16.35 through 16.36 as  
12 enacted in this Act, and reserved section 16.37 as repealed in  
13 this Act. The part may be entitled "Administration".

14 c. Part 3 may include sections 16.38 and 16.39 as enacted in  
15 this Act. The part may be entitled "Lending Institutions".

16 d. Part 4 may include section 16.40 as amended in this  
17 Act, section 16.41, reserved section 16.42 as repealed in this  
18 Act, section 16.43 as enacted in this Act, section 16.44, and  
19 sections 16.45 through 16.50 as enacted in this Act. The part  
20 may be entitled "Special Funds".

21 e. Part 5 may include section 16.51, reserved section 16.52  
22 as repealed in this Act, sections 16.53 and 16.54, and sections  
23 16.55 through 16.57 as enacted in this Act. The part may be  
24 entitled "Additional Programs".

25 8. Subchapter VIII may include sections 16.58 through 16.64  
26 as enacted in this Act, reserved sections 16.65 through 16.67,  
27 section 16.68 as enacted in this Act, reserved section 16.69,  
28 sections 16.70 and 16.71 as enacted in this Act, reserved  
29 section 16.72, reserved section 16.73 as repealed in this Act,  
30 reserved section 16.74, sections 16.75 and 16.76 as enacted  
31 in this Act, reserved section 16.77, sections 16.78 through  
32 16.84 as enacted in this Act, and reserved sections 16.85  
33 through 16.89. The subchapter may be entitled "Agricultural  
34 Development". The subchapter may be divided into parts as  
35 follows:

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- 1 a. Part 1 may include sections 16.58 and 16.59 as enacted in  
2 this Act. The part may be entitled "General".
- 3 b. Part 2 may include sections 16.60 through 16.63  
4 as enacted in this Act. The part may be entitled  
5 "Administration".
- 6 c. Part 3 may include section 16.64 as enacted in this  
7 Act, reserved sections 16.65 through 16.67, section 16.68 as  
8 enacted in this Act, and reserved section 16.69. The part may  
9 be entitled "Special Financing".
- 10 d. Part 4 may include sections 16.70 and 16.71 as enacted  
11 in this Act, reserved section 16.72, reserved section 16.73 as  
12 repealed in this Act, and reserved section 16.74. The part may  
13 be entitled "Loans to Lending Institutions".
- 14 e. Part 5 may include sections 16.75 and 16.76 as enacted in  
15 this Act, reserved section 16.77, and sections 16.78 through  
16 16.84 as enacted in this Act, and reserved sections 16.85  
17 through 16.89. The part may be entitled "Beginning Farmer  
18 Programs". The part may be divided into subparts as follows:
- 19 (1) Subpart A may include sections 16.75 and 16.76 as  
20 enacted in this Act and reserved section 16.77. The subpart  
21 may be entitled "Beginning Farmer Loan Program".
- 22 (2) Subpart B may include sections 16.78 through 16.82 as  
23 enacted in this Act. The subpart may be entitled "Beginning  
24 Farmer Tax Credit Program".
- 25 (3) Subpart C may include sections 16.83 and 16.84 as  
26 enacted in this Act, and reserved sections 16.85 through 16.89.  
27 The subpart may be entitled "Agricultural Producer Programs".
- 28 9. Subchapter IX may include section 16.90 as enacted  
29 in this Act, and section 16.91 as amended in this Act, and  
30 sections 16.92 through 16.97. The subchapter may be entitled  
31 "Title Guaranty". The subchapter may be divided into parts as  
32 follows:
- 33 a. Part 1 may include section 16.90 as enacted in this Act.  
34 The part may be entitled "General".
- 35 b. Part 2 may include section 16.91 as amended in this Act,

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1 sections 16.92 and 16.93, and reserved sections 16.94 through  
2 16.97. The part may be entitled "Program".

3 10. Subchapter X may include reserved sections 16.98 and  
4 16.99, reserved sections 16.100 and 16.100A as repealed in  
5 this Act, reserved section 16.101, section 16.102, section  
6 16.103 as amended in this Act, section 16.104, section 16.105  
7 as amended in this Act, section 16.106 as repealed by this  
8 Act, reserved sections 16.107 through 16.130, section 16.131  
9 and section 16.132 as amended in this Act, sections 16.133  
10 and 16.133A, sections 16.134 as amended in this Act, section  
11 16.135, reserved sections 16.136 through 16.140, section  
12 16.141, reserved sections 16.142 through 16.154, reserved  
13 section 16.155 as repealed in this Act, reserved sections  
14 16.156 through 16.160, sections 16.161 and 16.162, reserved  
15 sections 16.163 through 16.170, repealed section 16.171 as  
16 repealed in this Act, reserved sections 16.172 through 16.176,  
17 section 16.177, reserved sections 16.178 through 16.180,  
18 reserved sections 16.181 through 16.185 as repealed in this  
19 Act, reserved sections 16.186 and 16.187, reserved section  
20 16.188 as repealed in this Act, reserved sections 16.189  
21 through 16.192, sections 16.193 through 16.196, reserved  
22 section 16.197 as repealed by this Act, reserved sections  
23 16.198 through 16.200, reserved section 16.201 as repealed in  
24 this Act, reserved sections 16.202 through 16.210, reserved  
25 sections 16.211 and 16.212 as repealed in this Act, reserved  
26 sections 16.213 through 16.220, and reserved section 16.221 as  
27 repealed in this Act. The subchapter may be entitled "Special  
28 Financing Programs". The subchapter may be divided into parts  
29 as follows:

30 a. Part 1 may include reserved sections 16.98 and 16.99,  
31 reserved sections 16.100 and 16.100A as repealed in this Act,  
32 reserved section 16.101, sections 16.102 and 16.103 as amended  
33 in this Act, section 16.104, section 16.105 as amended in this  
34 Act, section 16.106 as repealed in this Act, and reserved  
35 sections 16.107 through 16.130. The part may be entitled

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1 "Economic Development Program".

2 b. Part 2 may include sections 16.131 through 16.132 as  
3 amended in this Act, sections 16.133 and 16.133A, section  
4 16.134 as amended in this Act, section 16.135, and reserved  
5 sections 16.136 through 16.140. The part may be entitled  
6 "Water Pollution Control Works and Drinking Water Facilities  
7 Financing".

8 c. Part 3 may include section 16.141 and reserved sections  
9 16.142 through 16.154. The part may be entitled "Unsewered  
10 Community Revolving Loan Program".

11 d. Part 4 may include section 16.155 as repealed in this  
12 Act, reserved sections 16.156 through 16.160, and section  
13 16.161. The part may be entitled "E911 Program".

14 f. Part 5 may include section 16.162 and reserved sections  
15 16.163 through 16.170. The part may be entitled "Community  
16 College Dormitories".

17 g. Part 6 may include section 16.171 and reserved sections  
18 16.172 through 16.176. The part may be entitled "Recovery Zone  
19 Bonds".

20 h. Part 7 may include section 16.177, reserved sections  
21 16.178 through 16.180, reserved sections 16.181 through 16.185  
22 as repealed in this Act, reserved sections 16.186 and 16.187,  
23 reserved section 16.188 as repealed in this Act, and reserved  
24 sections 16.189 and 16.190. The part may be entitled "Prison  
25 Infrastructure Revenue Bonds".

26 i. Part 8 may include reserved sections 16.191 and 16.192,  
27 sections 16.193 through 16.196, reserved section 16.197 as  
28 repealed in this Act, reserved sections 16.198 through 16.200,  
29 reserved section 16.201 as repealed in this Act, reserved  
30 sections 16.202 through 16.210, reserved sections 16.211 and  
31 16.212 as repealed in this Act, reserved sections 16.213  
32 through 16.220, and reserved section 16.221 as repealed by this  
33 Act. The part may be entitled "Iowa Jobs Program".

34 CORRECTIONS AND FURTHER REORGANIZATION

35 Sec. 109. AUTHORITY TO CODE EDITOR. In reorganizing

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1 chapter 16 for publication as part of the 2015 Code, all of the  
2 following shall apply:

3 1. The Code editor shall correct internal references as  
4 necessary.

5 2. Nothing in this Act prevents the Code editor from  
6 organizing chapter 16, as provided in section 2B.13, in a  
7 manner other than specified in this division. The Code editor  
8 may consolidate the subchapters, parts, subparts, or sections  
9 in chapter 16, including by eliminating unused section numbers  
10 and renumbering sections included in chapter 16 as amended by  
11 this Act, and correcting internal references in a manner that  
12 enhances its readability.

13 EFFECTIVE DATE

14 Sec. 110. EFFECTIVE DATE. This division of this Act takes  
15 effect upon enactment.

16 DIVISION IV

17 TRANSITIONAL PROVISIONS

18 ADMINISTRATION

19 Sec. 111. POWERS AND DUTIES OF THE IOWA FINANCE

20 AUTHORITY. This Act does not do any of the following:

21 1. Substantively affect the powers and duties of the Iowa  
22 finance authority provided for in chapter 16 or 175 as either  
23 chapter existed immediately prior to the effective date of this  
24 division of this Act.

25 2. Restrict the Iowa finance authority from adopting a rule,  
26 form, order, or directive that it could have adopted under  
27 chapter 16 or 175 as either chapter existed immediately prior  
28 to the effective date of this division of this Act.

29 Sec. 112. ADMINISTRATION OF ONGOING PROGRAMS. The Iowa  
30 finance authority shall continue the administration of ongoing  
31 programs under chapter 16 or 175, in progress on the effective  
32 date of this division of this Act.

33 Sec. 113. ADMINISTRATIVE RULES AND OTHER ACTIONS AND  
34 DOCUMENTS. Any rule, form, order, or directive promulgated by  
35 the Iowa finance authority pursuant to chapter 16, including

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1 section 16.1A, or chapter 175, as required to administer  
2 and enforce the provisions of chapter 16 as amended in this  
3 Act, shall continue in full force and effect until amended,  
4 rescinded, or supplemented by the affirmative action of the  
5 Iowa finance authority.

6 Sec. 114. GOVERNING BODIES.

7 1. This Act's repeal of section 175.3 and the enactment of  
8 section 16.2C shall not affect the original appointment or term  
9 of office of a member to the agricultural development board by  
10 the governor pursuant to 2013 Iowa Acts, chapter 100. However,  
11 such a member shall comply with any new requirement as provided  
12 in this Act upon reappointment and a new member shall comply  
13 with all requirements as provided in this Act upon appointment  
14 or reappointment.

15 2. This Act's repeal of section 16.100 and the enactment  
16 of section 16.2D shall not affect the appointment or term of  
17 office of a member to the council on homelessness.

18 Sec. 115. PERSONNEL. Nothing in this Act affects personnel  
19 in the state merit system of employment.

20 LEGAL OR EQUITABLE RIGHTS

21 Sec. 116. PENDING ADMINISTRATIVE OR JUDICIAL PROCEEDINGS.

22 1. An administrative or judicial proceeding arising under  
23 chapter 16 or 175 prior to the effective date of this division  
24 of this Act, and pending on the effective date of this division  
25 of this Act, shall not be affected due to the enactment of this  
26 Act.

27 2. A cause of action or statute of limitation relating to  
28 an action taken by a party in a matter arising under chapter 16  
29 or 175 prior to the effective date of this division of this Act  
30 shall not be affected by this Act.

31 3. The Iowa finance authority or the attorney general acting  
32 on behalf of the Iowa finance authority in an administrative  
33 or judicial proceeding pending on the effective date of this  
34 division of this Act shall not be affected as result of this  
35 Act. Any statute of limitation that would have otherwise



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1 applied to the parties in such proceeding shall continue to  
2 apply to the parties as if this Act had not been enacted.

3 Sec. 117. EXISTING RIGHTS AND OBLIGATIONS OF THE IOWA  
4 FINANCE AUTHORITY. Nothing in this Act affects any of the  
5 following:

6 1. An interest in real property, tangible personal  
7 property, or intangible personal property held by the Iowa  
8 finance authority.

9 2. A property right, security interest, or lien held by the  
10 Iowa finance authority, including but not limited to a deed,  
11 contract, or endorsement.

12 3. Any debt, obligation, or liability incurred by the Iowa  
13 finance authority which shall continue according to the same  
14 terms and conditions as applied prior to the effective date of  
15 this division of this Act.

16 Sec. 118. PRESERVATION OF EXISTING RIGHTS.

17 1. This Act shall preserve and shall neither increase nor  
18 decrease a right or obligation of a party or any other person  
19 connected with the issuance, holding, transfer, redemption, or  
20 payment of a bond or note under chapter 16 or 175 as either  
21 chapter existed prior to the effective date of this division  
22 of this Act.

23 2. This Act shall not limit, modify, or otherwise affect  
24 the term or condition of an agreement between the Iowa finance  
25 authority and another person which was originally executed  
26 under chapter 16 or 175 as either chapter existed prior to  
27 the effective date of this division of this Act. This Act  
28 specifically does not affect any program for beginning farmers  
29 or first-time farmers as that program existed under chapter 175  
30 prior to the effective date of this division of this Act.

31 3. This Act shall not limit, modify, or otherwise  
32 adversely affect a taxpayer's right to claim or redeem a tax  
33 credit issued, awarded, or allowed under sections 175.36A  
34 through 175.39, including but not limited to any tax credit  
35 carryforward amount so long as the tax credit was issued,

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1 awarded, or allowed when sections 175.36A through 175.39 were  
2 in effect. A person shall not claim or be issued, awarded,  
3 or allowed the same tax credit under sections 175.36A through  
4 175.39 in effect prior to the effective date of this division  
5 of this Act and chapter 16, subchapter VIII, part 5, as enacted  
6 in this Act on and after the effective date of this division of  
7 this Act.

8 EFFECTIVE DATE

9 Sec. 119. EFFECTIVE DATE. This division of this Act takes  
10 effect on January 1, 2015.

11 DIVISION V

12 CURRENT REPEAL PROVISIONS

13 GENERAL

14 Sec. 120. REPEAL. Sections 16.3A, 16.10, 16.15, 16.20,  
15 16.21, 16.33, 16.34, 16.37, 16.42, 16.44, 16.52, 16.73, 16.100,  
16 16.100A, 16.106, 16.155, 16.171, 16.181, 16.181A, 16.182,  
17 16.183, 16.184, 16.185, 16.188, 16.197, 16.201, 16.211, 16.212,  
18 16.221, and 422.11X, Code 2014, are repealed.

19 Sec. 121. REPEAL. Chapter 175, Code 2014, is repealed.

20 REPEAL OF CONFLICTING INTERVENING PROVISION

21 Sec. 122. REPEAL. Any intervening provision effective  
22 prior to the effective date of this division of this Act that  
23 amends a section or chapter repealed in another section of  
24 this division of this Act is also repealed, unless that Act or  
25 another Act specifically provides otherwise.

26 EFFECTIVE DATE

27 Sec. 123. EFFECTIVE DATE. This division of this Act takes  
28 effect January 1, 2015.

29 DIVISION VI

30 FUTURE PROVISIONS

31 REPEAL OF THE BEGINNING FARMER TAX CREDIT PROGRAM

32 Sec. 124. REPEAL. Section 2.48, subsection 3, paragraph e,  
33 subparagraph (1), subparagraph division (b), as amended by this  
34 Act, is amended by striking the subparagraph division.

35 Sec. 125. REPEAL. Section 16.1, subsection 1, paragraph an,

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1 as enacted by this Act, is amended by striking the paragraph.

2 Sec. 126. REPEAL. Section 16.58, subsections 7, 13,  
3 and 14, as enacted by this Act, are amended by striking the  
4 subsections.

5 Sec. 127. REPEAL. Section 422.11M, subsection 2, as amended  
6 by this Act, is amended by striking the subsection.

7 Sec. 128. REPEAL. Section 422.33, subsection 21,  
8 paragraph b, as amended by this Act, is amended by striking the  
9 paragraph.

10 Sec. 129. REPEAL. Sections 16.78, 16.79, 16.81, and 16.82,  
11 are repealed.

12 Sec. 130. REPEAL. 2013 Iowa Acts, chapter 125, division II,  
13 is repealed.

14 ENACTMENT OF THE AGRICULTURAL ASSETS TRANSFER TAX CREDIT

15 Sec. 131. Section 16.80, as enacted by this Act, is amended  
16 by striking the section and inserting in lieu thereof the  
17 following:

18 **16.80 Agricultural assets transfer tax credit — agreement.**

19 1. An agricultural assets transfer tax credit is allowed  
20 under this section. The tax credit is allowed against the  
21 taxes imposed in chapter 422, division II, as provided in  
22 section 422.11M, and in chapter 422, division III, as provided  
23 in section 422.33, to facilitate the transfer of agricultural  
24 assets from a taxpayer to a beginning farmer.

25 2. In order to qualify for the tax credit, the taxpayer  
26 must meet qualifications established by rules adopted by the  
27 authority. At a minimum, the taxpayer must comply with all of  
28 the following:

29 a. Be a person who may acquire or otherwise obtain or lease  
30 agricultural land in this state pursuant to chapter 9H or 9I.  
31 However, the taxpayer must not be a person who may acquire  
32 or otherwise obtain or lease agricultural land exclusively  
33 because of an exception provided in one of those chapters or in  
34 a provision of another chapter of this Code including but not  
35 limited to chapter 10, 10D, or 501, or section 15E.207.

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- 1     *b.* Execute an agricultural assets transfer agreement with a  
2 beginning farmer as provided in this section.
- 3     3. An individual may claim a tax credit under this section  
4 of a partnership, limited liability company, S corporation,  
5 estate, or trust electing to have income taxed directly to  
6 the individual. The amount claimed by the individual shall  
7 be based upon the pro rata share of the individual's earnings  
8 from the partnership, limited liability company, S corporation,  
9 estate, or trust.
- 10    4. The tax credit is allowed only for agricultural assets  
11 that are subject to an agricultural assets transfer agreement.  
12 The agreement shall provide for the lease of agricultural land  
13 including any improvements and may provide for the rental of  
14 agricultural equipment as defined in section 322F.1.
- 15     *a.* The agreement may be made on a cash basis or on a  
16 commodity share basis which includes a share of the crops or  
17 livestock produced on the agricultural land. The agreement  
18 must be in writing.
- 19     *b.* The agreement shall be for at least two years, but  
20 not more than five years. The agreement or that part of  
21 the agreement providing for the lease may be renewed by the  
22 beginning farmer for a term of at least two years, but not more  
23 than five years. An agreement does not include a lease or the  
24 rental of equipment intended as a security.
- 25    5. The tax credit shall be calculated based on the gross  
26 amount paid to the taxpayer under the agricultural assets  
27 transfer agreement.
- 28     *a.* Except as provided in paragraph "b", the tax credit shall  
29 equal five percent of the amount paid to the taxpayer under the  
30 agreement.
- 31     *b.* The tax credit shall equal fifteen percent of the  
32 amount paid to the taxpayer from crops or animals sold under  
33 an agreement in which the payment is exclusively made from the  
34 sale of crops or animals.
- 35    6. In order to qualify as a beginning farmer, a person



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1 must be eligible to receive financial assistance under section  
2 16.75.

3 7. A tax credit in excess of the taxpayer's liability for  
4 the tax year may be credited to the tax liability for the  
5 following five years or until depleted, whichever is earlier.  
6 A tax credit shall not be carried back to a tax year prior to  
7 the tax year in which the taxpayer redeems the tax credit. A  
8 tax credit shall not be transferable to any other person other  
9 than the taxpayer's estate or trust upon the taxpayer's death.

10 8. A taxpayer shall not claim a tax credit under this  
11 section unless a tax credit certificate issued by the authority  
12 is attached to the taxpayer's tax return for the tax year for  
13 which the tax credit is claimed. The authority must review  
14 and approve an application for a tax credit as provided by  
15 rules adopted by the authority. The application must include  
16 a copy of the agricultural assets transfer agreement. The  
17 authority may approve an application and issue a tax credit  
18 certificate to a taxpayer who has previously been allowed a  
19 tax credit under this section. The authority may require  
20 that the parties to an agricultural assets transfer agreement  
21 provide additional information as determined relevant by the  
22 authority. The authority shall review an application for a tax  
23 credit which includes the renewal of an agricultural assets  
24 transfer agreement to determine that the parties to the renewed  
25 agreement meet the same qualifications as required for an  
26 original application. However, the authority shall not approve  
27 an application or issue a certificate to a taxpayer if any of  
28 the following applies:

29 a. The taxpayer is at fault for terminating a prior  
30 agricultural assets transfer agreement as determined by the  
31 authority.

32 b. The taxpayer is any of the following:

33 (1) A party to a pending administrative or judicial action,  
34 including a contested case proceeding under chapter 17A,  
35 relating to an alleged violation involving an animal feeding

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1 operation as regulated by the department of natural resources,  
2 regardless of whether the pending action is brought by the  
3 department or the attorney general.

4 (2) Classified as a habitual violator for a violation of  
5 state law involving an animal feeding operation as regulated by  
6 the department of natural resources.

7 c. The beginning farmer is responsible for managing or  
8 maintaining agricultural land and other agricultural assets  
9 that are greater than necessary to adequately support a  
10 beginning farmer as determined by the authority according to  
11 rules which shall be adopted by the authority.

12 d. The agricultural assets are being leased or rented at  
13 a rate which is substantially higher or lower than the market  
14 rate for similar agricultural assets leased or rented within  
15 the same community, as determined by the authority.

16 9. A taxpayer or the beginning farmer may terminate an  
17 agricultural assets transfer agreement as provided in the  
18 agreement or by law. The taxpayer must immediately notify the  
19 authority of the termination.

20 a. If the authority determines that the taxpayer is not  
21 at fault for the termination, the authority shall not issue a  
22 tax credit certificate to the taxpayer for a subsequent tax  
23 year based on the approved application. Any prior tax credit  
24 is allowed as provided in this section. The taxpayer may  
25 apply for and be issued another tax credit certificate for the  
26 same agricultural assets as provided in this section for any  
27 remaining tax years for which a certificate was not issued.

28 b. If the authority determines that the taxpayer is at fault  
29 for the termination, any prior tax credit allowed under this  
30 section is disallowed. The tax credit shall be recaptured  
31 and the amount of the tax credit shall be immediately due and  
32 payable to the department of revenue. If a taxpayer does  
33 not immediately notify the authority of the termination,  
34 the taxpayer shall be conclusively deemed at fault for the  
35 termination.

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1 10. The amount of tax credit certificates that may be issued  
2 pursuant to this section shall not exceed six million dollars  
3 in any fiscal year. The authority shall issue the tax credit  
4 certificates on a first-come, first-served basis.

5 REPEAL OF INTERVENING PROVISIONS

6 Sec. 132. REPEAL. Any intervening provision effective  
7 prior to the effective date of this division of this Act  
8 that amends a section, subsection, paragraph, subparagraph,  
9 or subparagraph division repealed in another section of this  
10 division of this Act is also repealed, unless that Act or  
11 another Act specifically provides otherwise.

12 PROPOSED LEGISLATION

13 Sec. 133. IOWA FINANCE AUTHORITY. The Iowa finance  
14 authority established in chapter 16 shall propose legislation  
15 to the general assembly necessary to implement this division  
16 of this Act. The Iowa finance authority shall propose such  
17 legislation for consideration by the general assembly during  
18 its 2017 legislative session.

19 EFFECTIVE DATE

20 Sec. 134. EFFECTIVE DATES.

21 1. a. Except as provided in subsection 2, this division of  
22 this Act takes effect January 1, 2018.

23 b. The section of this division of this Act which enacts  
24 the agricultural assets transfer tax credit as codified in  
25 section 16.80 takes effect instantly upon the repeal of the  
26 agricultural assets transfer tax credit previously codified in  
27 section 16.80 and enacted in another division of this Act.

28 2. The section of this division of this Act which requires  
29 the Iowa finance authority to propose legislation for  
30 consideration by the general assembly takes effect July 1,  
31 2016.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 BACKGROUND — GENERAL. Code chapter 16 establishes the

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1 Iowa finance authority (IFA) under the authority of a board  
2 of directors and supervised by an executive director. The  
3 IFA administers a number of programs including programs that  
4 address housing needs, such as programs to assist low-income  
5 to moderate-income families in attaining housing, and homeless  
6 assistance. The authority also provides a number of other  
7 programs relating to title guaranties, and financing to further  
8 economic development, drinking water and waste water systems,  
9 residential treatment facilities, E-911, community college  
10 dormitories, prison infrastructure, Iowa job creation, and  
11 disaster recovery.

12 BACKGROUND — 2013 LEGISLATION. In 2013, the 85th General  
13 Assembly enacted HF 607 (2013 Iowa Acts, chapter 100) which  
14 transferred the powers and duties of the agricultural  
15 development authority organized under Code chapter 175 to IFA.  
16 Code chapter 175 establishes a number of programs to assist  
17 farmers, including beginning farmers, to start or expand their  
18 operations. Code chapter 16 and Code chapter 175 include  
19 provisions authorizing debt financing, including the issuance  
20 of bonds and debts, and provides a framework for the state  
21 to cooperate with financial institutions in order to provide  
22 affordable credit.

23 GOVERNING STRUCTURE. IFA is headed by a board of directors  
24 appointed by the governor and is supervised by an executive  
25 director. House File 607 created an agricultural development  
26 division within the authority. The division is administered by  
27 a new agricultural development board.

28 BILL'S PROVISIONS — REORGANIZATION. This bill incorporates  
29 the provisions of Code chapter 175 into Code chapter 16. It  
30 also effectively moves provisions within Code chapter 16 in  
31 order to enhance its readability. It accomplishes this goal by  
32 repealing provisions in the two Code chapters and reenacting  
33 the provisions within Code chapter 16, and dividing the Code  
34 chapter into a number of subchapters and parts within those  
35 subchapters. In some instances, the provisions in Code

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1 chapter 175 are similar to provisions in Code chapter 16 and  
2 in those circumstances the bill either amends the provisions  
3 in Code chapter 16 or does not enact the duplicative provision  
4 currently in Code chapter 175. In all other cases, the  
5 bill enacts provisions in Code chapter 175 as part of a new  
6 subchapter in Code chapter 16.

7 BILL'S PROVISIONS — NAME CHANGES. The bill makes changes in  
8 a number of names. The name of the "title guaranty division"  
9 is changed to the "Iowa title guaranty division". The name of  
10 the "Iowa economic development bond bank program" is changed  
11 to the "economic development program". The name of the "Iowa  
12 water pollution control works and drinking water facilities  
13 financing program" is changed to the "water pollution control  
14 works and drinking water facilities financing program".

15 BILL'S PROVISIONS — TERMINOLOGY CHANGES. The bill changes  
16 the term "mortgage lender" to "lending institution". A lending  
17 institution is defined to include a bank, trust company,  
18 mortgage company, national banking association, federal savings  
19 association, or life insurance company; any state or federal  
20 governmental agency or instrumentality; the federal land bank  
21 or any of its local associations; or any other institution  
22 authorized to make loans in this state.

23 BILL'S PROVISIONS — REVISION OR ELIMINATION OF PROGRAMS  
24 AND DUTIES. The bill eliminates a number of programs,  
25 including the disaster recovery housing project tax credit,  
26 the soil conservation loan program, and the assistance and  
27 management programs for beef cattle producers. It eliminates  
28 a requirement that the authority report semiannually to the  
29 standing committees on government oversight. It provides  
30 that members of the agricultural development board are to be  
31 confirmed by the senate. It expands the provisions which  
32 allow programs to be combined to include any public or private  
33 program. The bill revises a number of requirements regarding  
34 the beginning farmer program, including by expanding the types  
35 of loans that may be provided to beginning farmers, eliminating

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1 requirements that all partners in a family farm partnership,  
2 shareholders in a family farm corporation, and members of  
3 a family farm limited liability company all be residents  
4 of the state. It removes a requirement that all partners,  
5 shareholders, or members have sufficient education, training,  
6 or experience in farming. It removes a requirement that  
7 agricultural land or improvements financed under the program  
8 can only be used for farming by partners, shareholders, or  
9 members.

10 BILL'S PROVISIONS — CONSOLIDATION. The bill consolidates a  
11 number of provisions that were included in Code chapter 16 and  
12 applicable to certain programs or under Code chapter 175, and  
13 makes them generally applicable to all programs administered  
14 by the authority under the Code chapter, including provisions  
15 which apply to the management of reserve funds, and powers  
16 relating to loans.

17 BEGINNING FARMER TAX CREDIT PROGRAM. In 2013, the general  
18 assembly also enacted HF 599 (2013 Iowa Acts, chapter 125)  
19 which created a beginning farmer tax credit program, which  
20 expanded an existing agricultural assets transfer tax credit  
21 and created a new custom farming contract tax credit. On  
22 December 31, 2017, the provisions of that Act are repealed  
23 and the former version of the agricultural assets transfer  
24 tax credit is to be restored. The bill still repeals the  
25 provisions in HF 599 and restores the old agricultural assets  
26 transfer tax credit on the same date but the bill codifies the  
27 old tax credit as part of its new subchapter in Code chapter  
28 16.

29 TRANSITIONAL PROVISIONS. The bill includes a number of  
30 transitional provisions that provide that IFA will continue to  
31 administer programs under new Code chapter 16 as it formally  
32 did under current Code chapter 16 or repealed Code chapter 175.

33 EFFECTIVE DATES. Generally, the bill's provisions take  
34 effect on January 1, 2015, except for the elimination of the  
35 beginning farmer tax credit program and the resurrection of the

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1 agricultural assets transfer tax credit on January 1, 2018.  
2 IFA remains responsible for proposing legislation by July 1,  
3 2016, to accomplish the bill's objectives.



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House Study Bill 619 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON JORGENSEN)

A BILL FOR

1 An Act relating to the duties and authority of the college  
2 student aid commission relating to the registration of  
3 certain postsecondary schools, to interstate reciprocity  
4 agreements, and to registration fees collected by the  
5 commission.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 261.2, subsection 11, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. The institutions are not required to register under  
4 chapter 261B or the institutions are participating resident  
5 institutions as defined in section 261G.2 that volunteer to  
6 register under section 261B.11B.

7 Sec. 2. Section 261.2, Code 2014, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 13. Enter into and administer,  
10 or recognize, an interstate reciprocity agreement for  
11 the provision of postsecondary distance education by a  
12 postsecondary institution pursuant to chapter 261G. The  
13 commission shall adopt rules establishing application  
14 procedures and criteria for the authorization of postsecondary  
15 institutions providing postsecondary distance education under  
16 interstate reciprocity agreements pursuant to chapter 261G  
17 and for the review and approval of interstate reciprocity  
18 agreements the commission may enter into or recognize pursuant  
19 to this subsection and chapter 261G. The commission may accept  
20 an authorization granted by another state to a postsecondary  
21 institution under an interstate reciprocity agreement to  
22 deliver postsecondary distance education.

23 Sec. 3. Section 261B.8, subsection 3, Code 2014, is amended  
24 to read as follows:

25 3. A postsecondary registration fund is created in the  
26 state treasury under the control of the commission. Fees  
27 collected under this section shall be deposited in the general  
28 postsecondary registration fund of the state. Moneys in the  
29 fund are appropriated to the commission and shall be used by  
30 the commission to administer this chapter and chapter 261G.  
31 Notwithstanding section 8.33, moneys in the fund shall not  
32 revert to the general fund of the state at the end of a fiscal  
33 year. Notwithstanding section 12C.7, interest or earnings on  
34 moneys in the fund shall be credited to the fund.

35 Sec. 4. NEW SECTION. 261B.11B Voluntary registration.

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1 A school or other postsecondary educational institution  
2 that is exempt under section 261B.11 may voluntarily register  
3 under chapter 261B in order to comply with chapter 261G or  
4 for purposes of institutional eligibility under 34 C.F.R.  
5 §600.9(a).

6 Sec. 5. NEW SECTION. 261G.1 Purpose.

7 The purpose of this chapter is to authorize the college  
8 student aid commission to enter into or recognize agreements  
9 that will create interstate reciprocity in the regulation of  
10 postsecondary distance education for the purpose of encouraging  
11 cost savings for students and greater efficiencies and  
12 effectiveness for institutions of higher education providing  
13 distance education.

14 Sec. 6. NEW SECTION. 261G.2 Definitions.

15 1. "*Commission*" means the college student aid commission  
16 created pursuant to section 261.1.

17 2. "*Interstate reciprocity agreement*" means an interstate  
18 reciprocity agreement entered into and administered, or  
19 recognized, by the commission in accordance with section 261.2,  
20 subsection 13.

21 3. "*Participating institution*" means an institution that  
22 meets the definition of subsection 4 or 5.

23 4. "*Participating nonresident institution*" means a  
24 postsecondary institution without a physical presence in  
25 Iowa that is offering instructional programs or courses in  
26 Iowa leading to a degree, is a member in good standing in an  
27 interstate reciprocity agreement, and is registered with and  
28 regulated by a state agency or authority that is a member in  
29 good standing in an interstate reciprocity agreement.

30 5. "*Participating resident institution*" means a  
31 postsecondary institution located in Iowa that is a member in  
32 good standing in an interstate reciprocity agreement and is  
33 offering instructional programs or courses in Iowa leading  
34 to a degree, including but not limited to the following  
35 institutions:



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- 1     *a.* A community college as defined in section 260C.2.  
2     *b.* An institution of higher learning governed by the state  
3 board of regents.  
4     *c.* An accredited private institution as defined in section  
5 261.9.  
6     *d.* A school or postsecondary educational institution that  
7 voluntarily registers with the commission pursuant to section  
8 261B.11B in order to comply with this chapter or for purposes  
9 of institutional eligibility under 34 C.F.R. §600.9(a).  
10    6. *Physical presence* means any of the following:  
11     *a.* Establishing a physical location in Iowa for students to  
12 receive synchronous or asynchronous instruction.  
13     *b.* Requiring students to physically meet in a location in  
14 Iowa for instructional purposes.  
15     *c.* Establishing an administrative office in Iowa, for any of  
16 the following purposes:  
17       (1) Providing information to prospective students or the  
18 general public about the institution, for enrolling students,  
19 or for providing services to enrolled students.  
20       (2) Providing office space to instructional or  
21 noninstructional staff.  
22       (3) Establishing an Iowa mailing address, street address,  
23 or telephone number.  
24    Sec. 7. NEW SECTION.   **261G.3 Execution of duties.**  
25    The commission shall only enter into or recognize an  
26 interstate reciprocity agreement if the agreement contains  
27 sufficient consumer protection provisions and is otherwise in  
28 the best interests of students enrolled in institutions of  
29 higher education in this state.  
30    Sec. 8. NEW SECTION.   **261G.4 Effect of agreement.**  
31    1. Notwithstanding any other provision of law to the  
32 contrary, a participating nonresident institution shall not be  
33 required to register under chapter 261B or to comply with the  
34 registration and disclosure requirements of chapter 261 or 261B  
35 or sections 714.17, 714.18, 714.19, 714.20, 714.21, 714.21A,

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1 714.23, 714.24, or 714.25 if the provisions of an interstate  
2 reciprocity agreement prohibit such registration or compliance.

3 2. Notwithstanding any other provision of law to the  
4 contrary, a participating resident institution shall be  
5 required to register under chapter 261B or to comply with the  
6 registration and disclosure requirements of chapter 261 or 261B  
7 or sections 714.17, 714.18, 714.19, 714.20, 714.21, 714.21A,  
8 714.23, 714.24, or 714.25 if the provisions of the interstate  
9 reciprocity agreement require such registration or compliance.

10 3. A participating institution offering instructional  
11 programs or courses under an interstate reciprocity agreement  
12 entered into or recognized by the commission must notify the  
13 commission of any change of status relating in any way to the  
14 interstate reciprocity agreement.

15 4. This chapter shall not be construed to prevent the  
16 commission or the state from requiring a school or other  
17 postsecondary educational institution to register under chapter  
18 261B or from taking enforcement action against a participating  
19 institution in any of the following circumstances:

20 a. A participating nonresident institution leaves or  
21 otherwise ceases to be a member in good standing in an  
22 interstate reciprocity agreement.

23 b. The participating institution is physically or  
24 administratively housed in a state that does not join or ceases  
25 to be a member in good standing in an interstate reciprocity  
26 agreement entered into or recognized by the commission.

27 c. The discovery of acts or omissions subject to the  
28 enforcement action but which occurred prior to the commission's  
29 entering into or recognizing an interstate reciprocity  
30 agreement.

31 5. Students attending a participating nonresident  
32 institution are ineligible for state student financial aid  
33 programs established under chapter 261.

34 Sec. 9. NEW SECTION. 261G.5 Postsecondary registration  
35 fees.



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1     1. The commission shall set by rule and collect a  
2 nonrefundable initial registration fee and a renewal of  
3 registration fee from each participating institution that  
4 voluntarily registers with the commission pursuant to section  
5 261B.11B in order to comply with this chapter or for purposes  
6 of institutional eligibility under 34 C.F.R. §600.9(a).

7     2. Fees shall be set by rule not more than once each  
8 year and shall be based upon the costs of administering this  
9 chapter.

10    3. Fees collected under this section shall be deposited in a  
11 separate account in the postsecondary registration fund created  
12 pursuant to section 261B.8, subsection 3, and shall be used for  
13 purposes of administering this chapter.

14                                   EXPLANATION

15                   The inclusion of this explanation does not constitute agreement with  
16                   the explanation's substance by the members of the general assembly.

17     This bill relates to the college student aid commission's  
18 duties and authority to register postsecondary schools and to  
19 enter into and administer, or recognize, interstate reciprocity  
20 agreements. The bill also provides for the collection and  
21 appropriation of fees collected when schools and postsecondary  
22 institutions register with the commission.

23     The bill creates new Code chapter 261G, and establishes that  
24 the purpose of the Code chapter is to authorize the commission  
25 to enter into or recognize agreements that will create  
26 interstate reciprocity in the regulation of postsecondary  
27 distance education for the purpose of encouraging cost savings  
28 for students and greater efficiencies and effectiveness for  
29 institutions of higher education providing distance education.  
30 The commission shall only enter into or recognize an interstate  
31 reciprocity agreement if the agreement contains sufficient  
32 consumer protection provisions and is otherwise in the best  
33 interest of students enrolled in institutions of higher  
34 education in this state.

35     The bill permits the provisions of an interstate reciprocity

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1 agreement to override the registration provisions of Code  
2 chapter 261B, the compliance requirements for registration and  
3 disclosure under Code chapters 261 and 261B, and compliance  
4 with Code sections 714.17 through 714.25, relating to unlawful  
5 advertising and selling of educational courses, evidence of  
6 financial responsibility, exemptions for certain educational  
7 institutions, one lifetime contract per person limitation,  
8 civil and criminal penalties, refund policies, and disclosure.

9 The bill provides that new Code chapter 261G shall not  
10 prevent the commission or the state from requiring a school or  
11 other postsecondary educational institution to register under  
12 Code chapter 261B or from taking enforcement action against  
13 a participating institution if a participating nonresident  
14 institution leaves or otherwise ceases to be a member in  
15 good standing in an interstate reciprocity agreement, the  
16 postsecondary institution is physically or administratively  
17 housed in a state that does not join or ceases to be a member  
18 in good standing in an interstate reciprocity agreement, or  
19 for acts or omissions subject to the enforcement action which  
20 occurred prior to the commission entering into or recognizing  
21 an interstate reciprocity agreement.

22 The bill provides that students attending a participating  
23 nonresident institution are ineligible for state student  
24 financial aid programs.

25 The bill amends Code section 261.2, which provides for  
26 the commission's duties, to direct the commission to enter  
27 into and administer, or recognize, an interstate reciprocity  
28 agreement for the provision of postsecondary distance education  
29 by a postsecondary institution under new Code chapter 261G.  
30 The commission must adopt rules establishing application  
31 procedures and criteria for the authorization of postsecondary  
32 institutions providing postsecondary distance education under  
33 interstate reciprocity agreements and for the review and  
34 approval of such agreements. The commission may accept an  
35 authorization granted by another state to deliver postsecondary





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1 distance education under an interstate reciprocity agreement.  
2 Currently, students receiving state-funded scholarships  
3 and grants cannot use such scholarships and grants at schools  
4 required to register under Code chapter 261B. The bill  
5 provides that the limitation does not apply to a resident  
6 postsecondary institution that is exempt from the registration  
7 requirements of Code chapter 261B and is participating in an  
8 interstate reciprocity agreement to provide postsecondary  
9 distance education. However, the bill also provides that a  
10 school or other postsecondary educational institution that is  
11 exempt from registering under Code chapter 261B may voluntarily  
12 register to comply with Code chapter 261G or for purposes of  
13 institutional eligibility under the federal Higher Education  
14 Act of 1965, as amended.  
15 Under current law, registration fees collected under Code  
16 chapter 261B are deposited in the general fund of the state.  
17 The bill creates a postsecondary registration fund in the state  
18 treasury under the control of the commission for fees collected  
19 for postsecondary school registration required pursuant to Code  
20 chapter 261B and for registration of schools and postsecondary  
21 institutions that volunteer to register with the commission.  
22 The fees are appropriated to the commission and must be  
23 deposited into a separate account in the new fund and used for  
24 the administration of the new Code chapter.



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House Study Bill 620 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LABOR BILL BY CHAIRPERSON  
FORRISTALL)

A BILL FOR

1 An Act creating a wage payment collection revolving fund and  
2 making an appropriation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6120YC (2) 85  
je/rj



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1 Section 1. Section 91A.12, subsections 1 and 4, Code 2014,  
2 are amended to read as follows:

3 1. Any employer who violates the provisions of this chapter  
4 or the rules promulgated under it shall be subject to a civil  
5 money penalty of not more than five hundred dollars per pay  
6 period for each violation. The commissioner may recover such  
7 civil money penalty according to the provisions of subsections  
8 2 to 5. Any civil money penalty recovered shall be remitted  
9 to the treasurer of state to be deposited in the ~~general~~ wage  
10 payment collection fund of the state.

11 4. An employer may seek judicial review of any assessment  
12 rendered under subsection 3 by instituting proceedings  
13 for judicial review pursuant to chapter 17A. However, such  
14 proceedings must be instituted in the district court of the  
15 county in which the violation or one of the violations occurred  
16 and within thirty days of the day on which the employer was  
17 notified that an assessment has been rendered. Also, an  
18 employer may be required, at the discretion of the district  
19 court and upon instituting such proceedings, to deposit the  
20 amount assessed with the clerk of the district court. Any  
21 moneys so deposited shall either be returned to the employer  
22 or be forwarded to the commissioner for remittance to the  
23 treasurer of state for deposit in the ~~general~~ wage payment  
24 collection fund of the state, depending on the outcome of the  
25 judicial review, including any appeal to the supreme court.

26 Sec. 2. NEW SECTION. 91A.15 Wage payment collection fund —  
27 penalties appropriated.

28 A wage payment collection revolving fund is created within  
29 the state treasury under the control of the commissioner and  
30 shall consist of moneys collected by the commissioner as  
31 penalties pursuant to section 91A.12. Moneys in the fund  
32 are appropriated to and shall be used by the commissioner  
33 to pay the actual costs and expenses necessary to perform  
34 the duties of the commissioner as described in this chapter.  
35 All penalties collected by the commissioner pursuant to this

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1 chapter shall be remitted to the treasurer of state to be  
2 deposited in the fund. All salaries and expenses properly  
3 chargeable to the fund shall be paid from the fund. Section  
4 8.33 does not apply to any moneys in the fund. Notwithstanding  
5 section 12C.7, subsection 2, interest or earnings on moneys  
6 deposited in the fund shall be credited to the fund.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill creates a wage payment collection revolving fund  
11 within the state treasury under the control of the labor  
12 commissioner. The fund shall consist of moneys collected by  
13 the commissioner pursuant to Code section 91A.12 as penalties  
14 for violations of Code chapter 91A, the Iowa wage payment  
15 collection law. The bill appropriates moneys in the fund to  
16 the commissioner to pay the actual costs and expenses necessary  
17 to perform the duties described in Code chapter 91A.



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House Study Bill 621 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act concerning live dog racing at pari-mutuel dog  
2 racetracks, simultaneously telecast wagering, establishing  
3 fees, and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5742YC (5) 85  
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1 Section 1. NEW SECTION. 99D.9A Dog racetrack licensure —  
2 fees.

3 1. Upon at least fourteen days' written notification to the  
4 commission, a licensee authorized to operate a pari-mutuel dog  
5 racetrack and to conduct gambling games pursuant to section  
6 99F.6 as of January 1, 2014, may, upon agreement to comply with  
7 the requirements of this section, discontinue performances of  
8 live dog races at the racetrack and maintain a license under  
9 this chapter for purposes of permitting pari-mutuel wagering  
10 on simultaneously telecast horse races and for purposes of  
11 conducting gambling games.

12 2. Upon written notification and discontinuance of live dog  
13 racing by a licensee, all of the following shall occur:

14 a. The commission shall determine what portion of the  
15 unexpended moneys in the dog racing promotion fund created  
16 in section 99D.12 is attributable to the licensee that has  
17 discontinued live racing and shall transfer those moneys to the  
18 Iowa greyhound pari-mutuel racing retirement fund created in  
19 section 99D.9B.

20 b. Any agreement approved by the commission for dog purse  
21 supplement payments for live racing that was discontinued by  
22 the licensee shall be terminated.

23 c. The commission, the licensee of the pari-mutuel dog  
24 racetrack located in Pottawattamie county, and the Iowa  
25 greyhound association shall take all action necessary to  
26 facilitate the transfer of unexpended funds in an escrow fund  
27 created pursuant to a decision in December 1995 regarding  
28 dog purse supplements at the racetrack to the commission for  
29 deposit in the Iowa greyhound pari-mutuel racing retirement  
30 fund created in section 99D.9B.

31 d. The licensee shall pay the live racing cessation fee as  
32 provided by this section and shall continue to pay the annual  
33 license fee and regulatory fee as a pari-mutuel dog racetrack  
34 licensed to operate gambling games pursuant to the requirements  
35 of section 99F.4A.

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1     3. For purposes of this section, the live racing cessation  
2 fee shall be paid to the commission for deposit in the Iowa  
3 greyhound pari-mutuel racing retirement fund created in section  
4 99D.9B, which fee shall be determined as follows:

5     a. For the pari-mutuel dog racetrack located in Dubuque  
6 county, the payment of two million one hundred forty-two  
7 thousand dollars within two weeks of the discontinuance of live  
8 racing at the licensee, and two million one hundred forty-three  
9 thousand dollars each July 1 for six consecutive calendar years  
10 thereafter, commencing on July 1 of the calendar year following  
11 the calendar year in which live racing was discontinued.

12    b. For the pari-mutuel dog racetrack located in  
13 Pottawattamie county, the payment of seven million eight  
14 hundred fifty-two thousand dollars within two weeks of the  
15 discontinuance of live racing at the licensee, and seven  
16 million eight hundred fifty-eight thousand dollars each July  
17 1 for six consecutive calendar years thereafter, commencing  
18 on July 1 of the calendar year following the calendar year in  
19 which live racing was discontinued.

20    4. A licensee who discontinues live racing pursuant to  
21 the requirements of this section shall remain licensed as a  
22 pari-mutuel dog racetrack licensed to operate gambling games,  
23 shall comply with the requirements of this chapter applicable  
24 to a dog racetrack licensee except for those requirements  
25 applicable to live racing, and shall be permitted, but not  
26 required, to conduct pari-mutuel wagering on simultaneously  
27 telecast horse races.

28    Sec. 2. NEW SECTION. 99D.9B Iowa greyhound pari-mutuel  
29 racing retirement fund.

30    1. An Iowa greyhound pari-mutuel racing retirement fund is  
31 created in the state treasury under the control of the racing  
32 and gaming commission.

33    2. The fund shall consist of all of the following:

34    a. Moneys in the dog racing promotion fund created in  
35 section 99D.12 that were deposited in those funds from a dog

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1 racetrack licensee that discontinues scheduling performances of  
2 live dog races pursuant to section 99D.9A.

3     **b.** Moneys representing greyhound racing escrow funds that  
4 are transferred to the fund pursuant to the requirements of  
5 section 99D.9A.

6     **c.** Moneys deposited in the fund from the live racing  
7 cessation fee established in section 99D.9A.

8     3. Moneys in the fund shall be distributed by the commission  
9 to eligible recipients in an expeditious manner pursuant to  
10 rules adopted by the commission. The commission may use moneys  
11 in the fund to retain a consultant to assist the commission in  
12 the development of a distribution plan to eligible recipients.  
13 For purposes of this section, "*eligible recipients*" means  
14 greyhound owners, greyhound breeders, kennel operators, any  
15 persons involved in greyhound racing in Iowa, and no-kill  
16 animal adoption agencies.

17     4. Section 8.33 does not apply to moneys in the fund.  
18 Notwithstanding section 12C.7, subsection 2, interest or  
19 earnings on moneys deposited in the fund shall be credited to  
20 the fund.

21     5. The commission shall adopt rules to administer this  
22 section. The commission may adopt rules on an emergency basis  
23 as provided in sections 17A.4 and 17A.5 to administer this  
24 section. Any emergency rules adopted in accordance with this  
25 section shall also be published as a notice of intended action  
26 as provided in section 17A.4.

27     Sec. 3. Section 99D.11, subsection 6, paragraph b, Code  
28 2014, is amended to read as follows:

29     **b.** (1) The commission may authorize the licensee to  
30 simultaneously telecast within the racetrack enclosure or  
31 licensed premises, for the purpose of pari-mutuel wagering, a  
32 horse ~~or dog~~ race licensed by the racing authority of another  
33 state. It is the responsibility of each licensee to obtain  
34 the consent of appropriate racing officials in other states as  
35 required by the federal Interstate Horseracing Act of 1978,

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1 15 U.S.C. § 3001 - 3007, to televise races for the purpose of  
2 conducting pari-mutuel wagering.

3     (2) A licensee may also obtain the permission of a person  
4 licensed by the commission to conduct horse ~~or-dog~~ races in  
5 this state to televise races conducted by that person for the  
6 purpose of conducting pari-mutuel ~~racine~~ wagering. However,  
7 arrangements made by a licensee to televise any race for  
8 the purpose of conducting pari-mutuel wagering are subject  
9 to the approval of the commission, and the commission shall  
10 select the races to be televised. The races selected by the  
11 commission shall be the same for all licensees approved by the  
12 commission to televise races for the purpose of conducting  
13 pari-mutuel wagering. The commission shall not authorize the  
14 simultaneous telecast or televising of and a licensee shall  
15 not simultaneously telecast or televise any horse ~~or-dog~~ race  
16 for the purpose of conducting pari-mutuel wagering unless the  
17 simultaneous telecast or televising is done at the racetrack  
18 of a licensee that schedules no less than sixty performances  
19 of nine live races each day of the season or at the licensed  
20 premises of a licensee that is not obligated to schedule  
21 performances of live races pursuant to section 99D.9A.

22     (3) For purposes of the taxes imposed under this  
23 chapter, races televised by a licensee for purposes of  
24 pari-mutuel wagering shall be treated as if the races were  
25 held at the racetrack or licensed premises of the licensee.  
26 Notwithstanding any contrary provision in this chapter, the  
27 commission may allow a licensee to adopt the same deductions  
28 as those of the pari-mutuel racetrack from which the races are  
29 being simultaneously telecast.

30     Sec. 4. Section 99D.15, subsection 4, Code 2014, is amended  
31 to read as follows:

32     4. A tax of two percent is imposed on the gross sum  
33 wagered by the pari-mutuel method on horse races ~~and-dog~~  
34 ~~races~~ which are simultaneously telecast. The tax imposed by  
35 this subsection is in lieu of the taxes imposed pursuant to

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1 subsection 1 ~~or~~ 3, but the tax revenue from simulcast horse  
2 races shall be distributed as provided in subsection 1 ~~and the~~  
3 ~~tax revenue from simulcast dog races shall be distributed as~~  
4 ~~provided in subsection 3.~~

5 Sec. 5. Section 99F.6, subsection 4, paragraph b, Code 2014,  
6 is amended to read as follows:

7 b. (1) The commission shall authorize the licensees of  
8 pari-mutuel dog racetracks located in Dubuque county ~~and Black~~  
9 ~~Hawk county~~ to conduct gambling games as provided in section  
10 99F.4A if the licensees schedule at least one hundred thirty  
11 performances of twelve live races each day during a season of  
12 twenty-five weeks. For the pari-mutuel dog racetrack located  
13 in Pottawattamie county, the commission shall authorize the  
14 licensee to conduct gambling games as provided in section  
15 99F.4A if the licensee schedules at least two hundred ninety  
16 performances of twelve live races each day during a season  
17 of fifty weeks. The However, the requirement to schedule  
18 performances of live races for purposes of conducting gambling  
19 games under this chapter shall not apply to a licensee who is  
20 not obligated to schedule performances of live races pursuant  
21 to section 99D.9A.

22 (2) If a pari-mutuel dog racetrack is required to schedule  
23 performances of live races for purposes of conducting gambling  
24 games under this chapter, the commission shall approve an  
25 annual contract to be negotiated between the annual recipient  
26 of the dog racing promotion fund and each dog racetrack  
27 licensee to specify the percentage or amount of gambling  
28 game proceeds which shall be dedicated to supplement the  
29 purses of live dog races. The parties shall agree to a  
30 negotiation timetable to insure no interruption of business  
31 activity. If the parties fail to agree, the commission  
32 shall impose a timetable. If the two parties cannot reach  
33 agreement, each party shall select a representative and the  
34 two representatives shall select a third person to assist in  
35 negotiating an agreement. The two representatives may select

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1 the commission or one of its members to serve as the third  
2 party. Alternately, each party shall submit the name of the  
3 proposed third person to the commission who shall then select  
4 one of the two persons to serve as the third party. All  
5 ~~parties to the negotiations, including the commission, shall~~  
6 ~~consider that the dog racetracks were built to facilitate the~~  
7 ~~development and promotion of Iowa greyhound racing dogs in this~~  
8 ~~state and shall negotiate and decide accordingly.~~

9 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill concerns the conduct of live dog racing at  
15 pari-mutuel dog racetracks authorized to conduct gambling  
16 games.

17 New Code section 99D.9A allows a licensee authorized to  
18 operate a pari-mutuel dog racetrack and to conduct gambling  
19 games as of January 1, 2014, to, upon at least 14 days' written  
20 notice to the racing and gaming commission, discontinue  
21 performances of live dog races, and to maintain a license under  
22 Code chapter 99D for purposes of permitting, but not requiring,  
23 pari-mutuel wagering on simultaneously telecast horse races and  
24 continuing to allow the licensee to conduct gambling games.  
25 The bill provides that upon discontinuing live racing, the  
26 racing and gaming commission shall transfer any unexpended  
27 moneys in the dog racing promotion fund attributable to the  
28 licensee discontinuing live dog racing to an Iowa greyhound  
29 pari-mutuel racing retirement fund created in the bill. In  
30 addition, upon discontinuing live racing, moneys from an  
31 escrow fund for greyhound racing shall be transferred to the  
32 new racing retirement fund and any agreement for dog purse  
33 supplement payments for live racing shall be terminated. The  
34 licensee, upon discontinuing live dog racing, shall commence  
35 paying a new live racing cessation fee. The new Code section

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1 sets the live racing cessation fee for the pari-mutuel dog  
2 racetrack located in Dubuque county at \$2.142 million, payable  
3 upon discontinuing live racing, and at \$2.143 million, payable  
4 each July 1 for six calendar years thereafter. For the  
5 pari-mutuel dog racetrack located in Pottawattamie county, the  
6 annual dog racetrack licensure fee is set at \$7.852 million,  
7 payable upon discontinuing live racing, and at \$7.858 million,  
8 payable each July 1 for six calendar years thereafter. The  
9 bill provides that a licensee discontinuing live racing shall  
10 continue to pay the annual license fee and regulatory fee as a  
11 pari-mutuel dog racetrack licensed to conduct gambling games  
12 pursuant to the requirements of Code section 99F.4A.

13 New Code section 99D.9B establishes an Iowa greyhound  
14 pari-mutuel racing retirement fund under the control of the  
15 racing and gaming commission. The fund shall consist of moneys  
16 transferred from the dog racing promotion fund, moneys credited  
17 to the fund from a dog racetrack licensee that discontinues  
18 live dog racing in an amount representing the remaining balance  
19 of all dog purse supplement payments, moneys in greyhound  
20 racing escrow funds, and moneys from the live racing cessation  
21 fee established in new Code section 99D.9A. The bill provides  
22 that moneys in the fund shall be distributed to greyhound  
23 owners, greyhound breeders, kennel operators, any persons  
24 involved in greyhound racing in Iowa in a manner determined by  
25 the racing and gaming commission, and no-kill animal adoption  
26 agencies.

27 Code section 99D.11(6)(b), concerning pari-mutuel wagering  
28 on simultaneous telecasts of horse or dog races, is amended  
29 to eliminate simultaneous telecast wagering on dog races and  
30 to allow a simultaneous telecast of horse races at a licensee  
31 in this state that is not obligated to schedule live dog  
32 races pursuant to new Code section 99D.9A. Under current  
33 law, simulcast telecasting of races can only be allowed at  
34 a racetrack of a licensee that schedules no less than 60  
35 performances of nine live races each day of the season.

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1 Code section 99D.15 is amended to conform to the provisions  
2 in the bill discontinuing simultaneous telecast wagering on dog  
3 races.

4 Code section 99F.6(4)(b) is amended to allow the conduct  
5 of gambling games at a pari-mutuel dog racetrack that is not  
6 obligated to schedule performances of live races pursuant to  
7 new Code section 99D.9A. In addition, if a pari-mutuel dog  
8 racetrack conducts live dog races, the bill eliminates the  
9 requirement that the determination of supplemental dog purses  
10 shall consider that the dog racetracks were built to facilitate  
11 greyhound racing.

12 The bill takes effect upon enactment.



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House Study Bill 622 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the terms of appointees to vacancies in  
2 elective city office.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 372.13, subsection 2, paragraph a, Code  
2 2014, is amended to read as follows:  
3 a. (1) By appointment by the remaining members of the  
4 council, except that if the remaining members do not constitute  
5 a quorum of the full membership, paragraph "b" shall be  
6 followed. The appointment shall be made within forty days  
7 after the vacancy occurs and shall be for the period until the  
8 next pending election as defined in section 69.12, and shall  
9 be made within forty days after the vacancy occurs regular  
10 city election described in section 376.1, unless there is an  
11 intervening special election for that city, in which event the  
12 election for the office shall be placed on the ballot at such  
13 special election.  
14 (2) If the council chooses to proceed under this paragraph,  
15 it shall publish notice in the manner prescribed by section  
16 362.3, stating that the council intends to fill the vacancy  
17 by appointment but that the electors of the city or ward, as  
18 the case may be, have the right to file a petition requiring  
19 that the vacancy be filled by a special election. The council  
20 may publish notice in advance if an elected official submits  
21 a resignation to take effect at a future date. The council  
22 may make an appointment to fill the vacancy after the notice  
23 is published or after the vacancy occurs, whichever is later.  
24 However, if within fourteen days after publication of the  
25 notice or within fourteen days after the appointment is made,  
26 there is filed with the city clerk a petition which requests a  
27 special election to fill the vacancy, an appointment to fill  
28 the vacancy is temporary and the council shall call a special  
29 election to fill the vacancy permanently, under paragraph "b".  
30 The number of signatures of eligible electors of a city for a  
31 valid petition shall be determined as follows:  
32 ~~(1)~~ (a) For a city with a population of ten thousand or  
33 less, at least two hundred signatures or at least the number of  
34 signatures equal to fifteen percent of the voters who voted for  
35 candidates for the office at the preceding regular election at

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1 which the office was on the ballot, whichever number is fewer.  
2     ~~(2)~~ (b) For a city with a population of more than ten  
3 thousand but not more than fifty thousand, at least one  
4 thousand signatures or at least the number of signatures equal  
5 to fifteen percent of the voters who voted for candidates for  
6 the office at the preceding regular election at which the  
7 office was on the ballot, whichever number is fewer.  
8     ~~(3)~~ (c) For a city with a population of more than fifty  
9 thousand, at least two thousand signatures or at least the  
10 number of signatures equal to ten percent of the voters who  
11 voted for candidates for the office at the preceding regular  
12 election at which the office was on the ballot, whichever  
13 number is fewer.  
14     ~~(4)~~ (d) The minimum number of signatures for a valid  
15 petition pursuant to ~~subparagraphs (1) through (4)~~ subparagraph divisions  
16 (a) through (d) shall not be fewer than ten. In  
17 determining the minimum number of signatures required, if at  
18 the last preceding election more than one position was to be  
19 filled for the office in which the vacancy exists, the number  
20 of voters who voted for candidates for the office shall be  
21 determined by dividing the total number of votes cast for the  
22 office by the number of seats to be filled.

23 EXPLANATION

24             The inclusion of this explanation does not constitute agreement with  
25             the explanation's substance by the members of the general assembly.

26     This bill relates to the terms of appointees to vacancies in  
27 elective city office.

28     Under current law, a city council may make an appointment  
29 to fill a vacancy in elective city office and the term of the  
30 appointment shall be until the next pending election. The term  
31 "pending election" refers to any election at which either the  
32 office in which the vacancy exists will appear on the ballot  
33 or an election for any other office to be filled or any public  
34 question to be decided by the voters of the same political  
35 subdivision in which the vacancy exists.

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1     The bill provides that the term of an appointment to elective  
2 city office to fill a vacancy shall be until the next regular  
3 city election or until the next intervening special election  
4 for that city.



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**Senate File 2119 - Introduced**

SENATE FILE 2119  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3065)

**A BILL FOR**

1 An Act relating to campaign finance by requiring electronic  
2 filing of certain statements and reports and by raising the  
3 minimum dollar amounts that trigger certain regulations.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 68A.102, subsections 5, 12, and 18, Code  
2 2014, are amended to read as follows:

3 5. "*Candidate's committee*" means the committee designated  
4 by the candidate for a state, county, city, or school office  
5 to receive contributions in excess of ~~seven hundred fifty one~~  
6 thousand dollars in the aggregate, expend funds in excess of  
7 ~~seven hundred fifty one thousand~~ dollars in the aggregate, or  
8 incur indebtedness on behalf of the candidate in excess of  
9 ~~seven hundred fifty one thousand~~ dollars in the aggregate in  
10 any calendar year.

11 12. "*County statutory political committee*" means a committee  
12 as described in section 43.100 that accepts contributions in  
13 excess of ~~seven hundred fifty one thousand~~ dollars in the  
14 aggregate, makes expenditures in excess of ~~seven hundred fifty~~  
15 one thousand dollars in the aggregate, or incurs indebtedness  
16 in excess of ~~seven hundred fifty one thousand~~ dollars in the  
17 aggregate in any one calendar year to expressly advocate the  
18 nomination, election, or defeat of a candidate for public  
19 office.

20 18. "*Political committee*" means any of the following:  
21 a. A committee, but not a candidate's committee, that  
22 accepts contributions in excess of ~~seven hundred fifty one~~  
23 thousand dollars in the aggregate, makes expenditures in excess  
24 of ~~seven hundred fifty one thousand~~ dollars in the aggregate,  
25 or incurs indebtedness in excess of ~~seven hundred fifty one~~  
26 thousand dollars in the aggregate in any one calendar year  
27 to expressly advocate the nomination, election, or defeat of  
28 a candidate for public office, or to expressly advocate the  
29 passage or defeat of a ballot issue.

30 b. An association, lodge, society, cooperative, union,  
31 fraternity, sorority, educational institution, civic  
32 organization, labor organization, religious organization,  
33 or professional organization that accepts contributions in  
34 excess of ~~seven hundred fifty one thousand~~ dollars in the  
35 aggregate, makes expenditures in excess of ~~seven hundred fifty~~

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1 one thousand dollars in the aggregate, or incurs indebtedness  
2 in excess of ~~seven hundred fifty~~ one thousand dollars in the  
3 aggregate in any one calendar year to expressly advocate the  
4 nomination, election, or defeat of a candidate for public  
5 office, or to expressly advocate the passage or defeat of a  
6 ballot issue.

7     *c.* A person, other than an individual, that accepts  
8 contributions in excess of ~~seven hundred fifty~~ one thousand  
9 dollars in the aggregate, makes expenditures in excess of ~~seven~~  
10 ~~hundred fifty~~ one thousand dollars in the aggregate, or incurs  
11 indebtedness in excess of ~~seven hundred fifty~~ one thousand  
12 dollars in the aggregate in any one calendar year to expressly  
13 advocate that an individual should or should not seek election  
14 to a public office prior to the individual becoming a candidate  
15 as defined in subsection 4.

16     Sec. 2. Section 68A.201, subsection 2, paragraph e, Code  
17 2014, is amended to read as follows:

18     *e.* A signed statement by the treasurer of the committee  
19 and the candidate, in the case of a candidate's committee,  
20 which shall verify that they are aware of the requirement  
21 to file disclosure reports if the committee, the committee  
22 officers, the candidate, or both the committee officers and  
23 the candidate receive contributions in excess of ~~seven hundred~~  
24 ~~fifty~~ one thousand dollars in the aggregate, make expenditures  
25 in excess of ~~seven hundred fifty~~ one thousand dollars in the  
26 aggregate, or incur indebtedness in excess of ~~seven hundred~~  
27 ~~fifty~~ one thousand dollars in the aggregate in a calendar year  
28 to expressly advocate the nomination, election, or defeat of  
29 any candidate for public office. In the case of political  
30 committees, statements shall be made by the treasurer of the  
31 committee and the chairperson.

32     Sec. 3. Section 68A.202, subsection 1, Code 2014, is amended  
33 to read as follows:

34     1. Each candidate for state, county, city, or school  
35 office shall organize one, and only one, candidate's committee

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1 for a specific office sought when the candidate receives  
2 contributions in excess of ~~seven hundred fifty~~ one thousand  
3 dollars in the aggregate, makes expenditures in excess of ~~seven~~  
4 ~~hundred fifty~~ one thousand dollars in the aggregate, or incurs  
5 indebtedness in excess of ~~seven hundred fifty~~ one thousand  
6 dollars in the aggregate in a calendar year.

7 Sec. 4. Section 68A.202, subsection 2, paragraph a, Code  
8 2014, is amended to read as follows:

9 a. A political committee shall not be established to  
10 expressly advocate the nomination, election, or defeat of only  
11 one candidate for office. However, a political committee may  
12 be established to expressly advocate the passage or defeat of  
13 approval of a single judge standing for retention. A permanent  
14 organization, as defined in section 68A.402, subsection 9, may  
15 make a one-time contribution to only one candidate for office  
16 in excess of ~~seven hundred fifty~~ one thousand dollars.

17 Sec. 5. Section 68A.203, subsection 2, paragraph b, Code  
18 2014, is amended to read as follows:

19 b. A person, other than a candidate or committee officer,  
20 who receives contributions for a committee shall, not later  
21 than fifteen days from the date of receipt of the contributions  
22 or on demand of the treasurer, render to the treasurer the  
23 contributions and an account of the total of all contributions,  
24 including the name and address of each person making a  
25 contribution in excess of ~~ten~~ twenty-five dollars, the amount  
26 of the contributions, and the date on which the contributions  
27 were received.

28 Sec. 6. Section 68A.203, subsection 3, paragraph b, Code  
29 2014, is amended to read as follows:

30 b. The name and mailing address of every person making  
31 contributions in excess of ~~ten~~ twenty-five dollars, and the  
32 date and amount of the contribution.

33 Sec. 7. Section 68A.401, subsection 1, paragraph d, Code  
34 2014, is amended to read as follows:

35 d. ~~Any~~ Effective January 1, 2015, any other candidate or

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1 political committee not otherwise required to file a statement  
2 or report in an electronic format under this section described  
3 in paragraphs "a" through "c" shall file the all statements and  
4 reports in either an electronic format as prescribed by rule or  
5 by one of the methods specified in section 68A.402, subsection  
6 ~~±~~ by 4:30 p.m. of the day the filing is due according to rules  
7 adopted by the board pursuant to chapter 17A.

8 Sec. 8. Section 68A.404, subsection 1, Code 2014, is amended  
9 to read as follows:

10 1. As used in this section, "*independent expenditure*" means  
11 one or more expenditures in excess of ~~seven hundred fifty one~~  
12 thousand dollars in the aggregate for a communication that  
13 expressly advocates the nomination, election, or defeat of  
14 a clearly identified candidate or the passage or defeat of  
15 a ballot issue that is made without the prior approval or  
16 coordination with a candidate, candidate's committee, or a  
17 ballot issue committee.

18 Sec. 9. Section 68A.404, subsection 4, paragraph a, Code  
19 2014, is amended to read as follows:

20 a. An independent expenditure statement shall be filed  
21 within forty-eight hours of the making of an independent  
22 expenditure in excess of ~~seven hundred fifty one thousand~~  
23 dollars in the aggregate, or within forty-eight hours of  
24 disseminating the communication to its intended audience,  
25 whichever is earlier. For purposes of this section, an  
26 independent expenditure is made when the independent  
27 expenditure communication is purchased or ordered regardless of  
28 whether or not the person making the independent expenditure  
29 has been billed for the cost of the independent expenditure.

30 Sec. 10. Section 68A.501, Code 2014, is amended to read as  
31 follows:

32 **68A.501 Funds from unknown source — escheat.**

33 The expenditure of funds from an unknown or unidentifiable  
34 source received by a candidate or committee is prohibited.  
35 Such funds received by a candidate or committee shall escheat

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1 to the state. Any candidate or committee receiving such  
2 contributions shall remit such contributions to the board  
3 which shall forward it to the treasurer of state for deposit  
4 in the general fund of the state. Persons requested to make a  
5 contribution at a fundraising event shall be advised that it  
6 is illegal to make a contribution in excess of ~~ten~~ twenty-five  
7 dollars unless the person making the contribution also provides  
8 the person's name and address.

9 Sec. 11. Section 68B.2, subsection 5, Code 2014, is amended  
10 to read as follows:

11 5. "*Candidate's committee*" means the committee designated  
12 by a candidate for a state, county, city, or school office, as  
13 provided under chapter 68A, to receive contributions in excess  
14 of ~~seven hundred fifty~~ one thousand dollars in the aggregate,  
15 expend funds in excess of ~~seven hundred fifty~~ one thousand  
16 dollars in the aggregate, or incur indebtedness on behalf of  
17 the candidate in excess of ~~seven hundred fifty~~ one thousand  
18 dollars in the aggregate in any calendar year.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill relates to campaign finance by requiring  
23 electronic filing of certain statements and reports and  
24 by raising the minimum dollar amounts that trigger certain  
25 regulations.

26 The bill requires that, beginning January 1, 2015, certain  
27 candidate and political committees shall file all statements  
28 and reports with the Iowa ethics and campaign disclosure board  
29 in an electronic format by 4:30 p.m. of the day the filing is  
30 due.

31 The bill also raises the minimum dollar amounts for  
32 contributions that trigger certain regulations. The bill  
33 requires that a person receiving a contribution render the name  
34 and address of each person making a contribution in excess of  
35 \$25, and makes additional corresponding changes. Current law

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1 limits these requirements to contributions in excess of \$10.  
2 The bill also changes the definition of "candidate  
3 committee", "county statutory political committee", and  
4 "political committee" by raising the minimum qualifying amounts  
5 of contributions, expenditures, or indebtedness to amounts in  
6 excess of \$1,000. Under current law, the definitions of these  
7 terms require contributions, expenditures, or indebtedness  
8 in excess of \$750. The bill makes additional corresponding  
9 changes.  
10 Current law provides that certain permanent organizations  
11 can make a one-time contribution to one candidate for office in  
12 excess of \$750. The bill changes that amount to \$1,000.  
13 Current law further provides that an independent expenditure  
14 means one or more expenditures in excess of \$750 in the  
15 aggregate for a communication expressly advocating the  
16 nomination, election, or defeat of a clearly identified  
17 candidate or the passage or defeat of a ballot issue that  
18 is made without the prior approval or coordination with a  
19 candidate, candidate's committee, or a ballot issue committee.  
20 The bill, however, provides that an independent expenditure  
21 requires one or more of such expenditures in excess of \$1,000  
22 in the aggregate.





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**Senate File 2120 - Introduced**

SENATE FILE 2120  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3006)

**A BILL FOR**

1 An Act relating to the use of professional titles or  
2 abbreviations by advanced registered nurse practitioners.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ad/nh



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S.F. 2120

1 Section 1. Section 147.74, subsection 21, Code 2014, is  
2 amended to read as follows:

3 21. A registered nurse licensed under chapter 152 may use  
4 the words "registered nurse" or the letters "R.N." after the  
5 person's name. A licensed practical nurse licensed under  
6 chapter 152 may use the words "licensed practical nurse" or  
7 the letters "L.P.N." after the person's name. An advanced  
8 registered nurse practitioner licensed under chapter 152 or  
9 152E may use the words "advanced registered nurse practitioner"  
10 or the letters "A.R.N.P." after the person's name.

11 Sec. 2. Section 152.6, Code 2014, is amended to read as  
12 follows:

13 **152.6 Licenses — professional abbreviations.**

14 The board may license a natural person to practice as a  
15 registered nurse or as a licensed practical nurse. However,  
16 only a person currently licensed as a registered nurse in this  
17 state may use that title and the ~~abbreviation "RN"~~ letters  
18 "R.N." after the person's name; ~~and~~ only a person currently  
19 licensed as a licensed practical nurse in this state may use  
20 that title and the ~~abbreviation "LPN"~~ letters "L.P.N." after  
21 the person's name; and only a person currently licensed as an  
22 advanced registered nurse practitioner may use that title and  
23 the letters "A.R.N.P." after the person's name. For purposes  
24 of this section, "currently licensed" includes persons licensed  
25 in another state and recognized for licensure in this state  
26 pursuant to the nurse licensure compact contained in section  
27 152E.1 or pursuant to the advanced practice registered nurse  
28 compact contained in section 152E.3.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill authorizes the use of the professional title  
33 and the abbreviation "A.R.N.P." by advanced registered nurse  
34 practitioners.

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**Senate File 2121 - Introduced**

SENATE FILE 2121  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3008)

**A BILL FOR**

1 An Act making changes to the controlled substance schedules,  
2 and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5285SV (2) 85  
jm/nh



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S.F. 2121

1 Section 1. Section 124.204, subsection 4, Code 2014, is  
2 amended by adding the following new paragraphs:  
3 NEW PARAGRAPH. *aj.* 3,4-Methylenedioxy-N-methylcathinone  
4 (methyline).  
5 NEW PARAGRAPH. *ak.* 5-methoxy-N,N-dimethyltryptamine.  
6 Some trade or other names:  
7 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.  
8 Sec. 2. Section 124.204, Code 2014, is amended by adding the  
9 following new subsection:  
10 NEW SUBSECTION. 9. *Other substances.* Any material,  
11 compound, mixture, or preparation which contains any quantity  
12 of the following substances or their optical, positional, and  
13 geometric isomers, salts, and salts of isomers:  
14 *a.* (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)  
15 methanone. Other names: UR-144,  
16 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole.  
17 *b.* [1-(5-fluoro-pentyl)-1H-indol-3-yl]  
18 (2,2,3,3-tetramethylcyclopropyl)  
19 methanone. Other names: 5-fluoro-UR-144, 5-F-UR-144, XLR11,  
20 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole.  
21 *c.* N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide.  
22 Other names: APINACA, AKB48.  
23 *d.* 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.  
24 Other names: 25I-NBOMe, 2C-I-NBOMe, 25I, Cimbi-5.  
25 *e.* 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.  
26 Other names: 25C-NBOMe, 2C-C-NBOMe, 25C, Cimbi-82.  
27 *f.* 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.  
28 Other names: 25B-NBOMe, 2C-B-NBOMe, 25B, Cimbi-36.  
29 Sec. 3. Section 124.208, subsection 3, Code 2014, is amended  
30 by adding the following new paragraph:  
31 NEW PARAGRAPH. *o.* Perampanel, its salts, isomers, and salts  
32 of isomers.  
33 Sec. 4. Section 124.208, subsection 6, Code 2014, is amended  
34 by adding the following new paragraphs:  
35 NEW PARAGRAPH. *bk.* Methasterone

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1 (2[alpha],17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one.

2 NEW PARAGRAPH. *b1.* Prostanazol

3 (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole.

4 Sec. 5. Section 124.210, Code 2014, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 4A. *Lorcaserin.* Any material, compound,  
7 mixture, or preparation which contains any quantity of  
8 lorcaserin, including its salts, isomers, and salts of such  
9 isomers, whenever the existence of such salts, isomers, and  
10 salts of isomers is possible.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill makes changes to the controlled substance  
15 schedules.

16 The bill classifies three synthetic cannabinoids, three  
17 synthetic phenethylamines, one hallucinogenic synthetic  
18 cathinone, and other hallucinogens, as schedule I controlled  
19 substances. A schedule I controlled substance has a high  
20 potential for abuse and has no accepted medical use in the  
21 United States.

22 The bill classifies two anabolic steroids and one epilepsy  
23 drug as schedule III controlled substances. A schedule III  
24 controlled substance has a potential for abuse which is less  
25 than that of the substances listed in schedules I and II and  
26 currently has an accepted medical use in treatment in the  
27 United States.

28 The bill also classifies a new weight loss hallucinogenic  
29 drug as a schedule IV controlled substance. A schedule  
30 IV controlled substance has a low potential for abuse when  
31 compared with the substances listed in schedule III and  
32 currently has an accepted medical use in treatment in the  
33 United States.

34 It is a class "C" felony pursuant to Code section  
35 124.401(1)(c)(8) for any unauthorized person to violate a

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jm/nh

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1 provision of Code section 124.401, involving a classified  
2 substance placed on schedule I, II, or III pursuant to the  
3 bill. A class "C" felony for this particular offense is  
4 punishable by confinement for no more than 10 years and a fine  
5 of at least \$1,000 but not more than \$50,000.

6 It is an aggravated misdemeanor pursuant to Code section  
7 124.401(1)(d) for any unauthorized person to violate a  
8 provision of Code section 124.401, involving a classified  
9 substance placed on schedule IV pursuant to the bill. An  
10 aggravated misdemeanor is punishable by confinement for no more  
11 than two years and a fine of at least \$625 but not more than  
12 \$6,250.

13 If a person possesses a controlled substance in violation of  
14 Code section 124.401(5) as a first offense, the person commits  
15 a serious misdemeanor. A serious misdemeanor is punishable by  
16 confinement for no more than one year and a fine of at least  
17 \$315 but not more than \$1,875.



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**Senate File 2122 - Introduced**

SENATE FILE 2122  
BY PETERSEN

**A BILL FOR**

1 An Act authorizing the payment of commissions in connection  
2 with motor vehicle rental collision damage waiver sales.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6080XS (2) 85  
rn/sc



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S.F. 2122

1 Section 1. Section 516D.4, subsection 2, paragraph a,  
2 subparagraph (4), Code 2014, is amended to read as follows:  
3 (4) The car rental company ~~shall not~~ may pay commissions to  
4 a rental counter agent or representative for selling collision  
5 damage waivers ~~and~~ but is prohibited from considering volume  
6 of sales of collision damage waivers in an employee evaluation  
7 or determination of promotion.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill authorizes the payment of commissions by car  
12 rental companies for collision damage waiver sales. Currently,  
13 Code section 516D.4 prohibits car rental companies from paying  
14 a commission to a rental counter agent or representative  
15 for selling collision damage waivers. The bill modifies  
16 this provision to provide that a car rental company may pay  
17 such commissions. The bill retains a prohibition against  
18 considering collision damage waiver sales volume in an employee  
19 evaluation or determination of promotion.





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**Senate File 2123 - Introduced**

SENATE FILE 2123

BY ZAUN, FEENSTRA, SINCLAIR,  
BEHN, CHELGREN, CHAPMAN,  
ROZENBOOM, BREITBACH,  
BERTRAND, GUTH, SEGEBART,  
ERNST, and ANDERSON

**A BILL FOR**

1 An Act relating to the Iowa core curriculum and core content  
2 standards for school districts and accredited nonpublic  
3 schools.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5868XS (4) 85  
kh/rj



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1 Section 1. Section 256.7, subsection 21, paragraph b,  
2 subparagraphs (2) and (3), Code 2014, are amended to read as  
3 follows:

4 (2) Notwithstanding subparagraph (1), for the school year  
5 beginning July 1, 2016, and each succeeding school year, the  
6 rules shall provide that all students enrolled in school  
7 districts in grades three through eleven shall be administered  
8 an assessment during the last quarter of the school year  
9 that at a minimum assesses the indicators identified in this  
10 paragraph "b"; ~~is aligned with the Iowa common core standards~~  
11 ~~in both content and rigor~~; accurately describes student  
12 achievement and growth for purposes of the school, the school  
13 district, and state accountability systems; and provides valid,  
14 reliable, and fair measures of student progress toward college  
15 or career readiness.

16 (3) The director shall establish an assessment task force  
17 to review and make recommendations for a statewide assessment  
18 of student progress on the indicators identified pursuant to  
19 this paragraph "b". The task force shall recommend a statewide  
20 assessment that is ~~aligned to the Iowa common core standards~~  
21 ~~and is~~, at a minimum, valid, reliable, tested, and piloted in  
22 Iowa. In addition, in developing recommendations, the task  
23 force shall consider the costs to school districts and the  
24 state in providing and administering such an assessment and  
25 the technical support necessary to implement the assessment.  
26 The task force shall submit its recommendations in a report  
27 to the director, the state board, and the general assembly by  
28 January 1, 2015. The task force shall assist with the final  
29 development and implementation of the assessment administered  
30 pursuant to subparagraph (2). The task force members shall  
31 include but not be limited to teachers, school administrators,  
32 business leaders, representatives of state agencies, and  
33 members of the general public. This subparagraph is repealed  
34 July 1, 2020.

35 Sec. 2. Section 256.7, subsection 21, paragraph c, Code

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1 2014, is amended to read as follows:

2     c. A requirement that all school districts and accredited  
3 nonpublic schools annually report to the department and the  
4 local community the district-wide progress made in attaining  
5 student achievement goals on the academic and other core  
6 indicators and the district-wide progress made in attaining  
7 locally established student learning goals. The school  
8 districts and accredited nonpublic schools shall demonstrate  
9 the use of multiple assessment measures in determining student  
10 achievement levels. The school districts and accredited  
11 nonpublic schools shall also report the number of students  
12 who graduate; the number of students who drop out of school;  
13 the number of students who are tested and the percentage of  
14 students who are so tested annually; and the percentage of  
15 students who graduated during the prior school year ~~and who~~  
16 ~~completed a core curriculum~~. The board shall develop and  
17 adopt uniform definitions consistent with the federal No Child  
18 Left Behind Act of 2001, Pub. L. No. 107-110 and any federal  
19 regulations adopted pursuant to the federal Act. The school  
20 districts and accredited nonpublic schools may report on other  
21 locally determined factors influencing student achievement.  
22 The school districts and accredited nonpublic schools shall  
23 also report to the local community their results by individual  
24 attendance center.

25     Sec. 3. Section 256.7, subsection 26, paragraph a,  
26 unnumbered paragraph 1, Code 2014, is amended to read as  
27 follows:

28     Adopt rules that establish ~~a core curriculum~~ and high school  
29 graduation requirements for all students in school districts  
30 and accredited nonpublic schools that include at a minimum  
31 satisfactory completion of four years of English and language  
32 arts, three years of mathematics, three years of science, and  
33 three years of social studies.

34     Sec. 4. Section 256.7, subsection 26, paragraph a,  
35 subparagraph (3), Code 2014, is amended by striking the



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1 subparagraph.

2 Sec. 5. Section 256.7, subsection 26, paragraphs b and c,  
3 Code 2014, are amended by striking the paragraphs.

4 Sec. 6. Section 256.7, subsection 28, Code 2014, is amended  
5 to read as follows:

6 28. Adopt a set of ~~core content~~ assessment standards  
7 applicable to all students in kindergarten through grade twelve  
8 in every school district and accredited nonpublic school. For  
9 purposes of this subsection, "~~core content~~ assessment standards"  
10 includes reading, mathematics, and science. The ~~core content~~  
11 assessment standards shall be identical to the ~~core content~~  
12 assessment standards included in Iowa's approved 2006 standards  
13 and assessment system under Tit. I of the federal Elementary  
14 and Secondary Education Act of 1965, 20 U.S.C. § 6301 et  
15 seq., as amended by the federal No Child Left Behind Act of  
16 2001, Pub. L. No. 107-110. School districts and accredited  
17 nonpublic schools shall include, at a minimum, the ~~core content~~  
18 assessment standards adopted pursuant to this subsection in any  
19 set of locally developed content standards. School districts  
20 and accredited nonpublic schools are strongly encouraged to set  
21 higher expectations in local standards. As changes in federal  
22 law or regulation occur, the state board is authorized to amend  
23 the ~~core content~~ assessment standards as appropriate.

24 Sec. 7. Section 256.9, subsection 53, paragraph a, Code  
25 2014, is amended to read as follows:

26 a. Develop and distribute, in collaboration with the area  
27 education agencies, ~~core curriculum~~ technical assistance and  
28 implementation strategies that school districts and accredited  
29 nonpublic schools shall utilize, including but not limited to  
30 the development and delivery of formative and end-of-course  
31 model assessments classroom teachers may use to measure student  
32 progress ~~on the core curriculum adopted pursuant to section~~  
33 ~~256.7, subsection 26. The department shall, in collaboration~~  
34 ~~with the advisory group convened in accordance with paragraph~~  
35 ~~"b" and educational assessment providers, identify and make~~

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1 ~~available to school districts end-of-course and additional~~  
2 ~~model end-of-course and additional assessments to align with~~  
3 ~~the expectations included in the Iowa core curriculum. The~~  
4 model assessments shall be suitable to meet the multiple  
5 assessment measures requirement specified in section 256.7,  
6 subsection 21, paragraph "c".

7 Sec. 8. Section 256.9, subsection 54, Code 2014, is amended  
8 by striking the subsection.

9 Sec. 9. Section 256.40, subsection 2, paragraph e, Code  
10 2014, is amended to read as follows:

11 e. Integrate services provided through the program with  
12 other career exploration-related activities such as the student  
13 ~~core curriculum~~ graduation plan and the career information and  
14 decision-making system developed and administered under section  
15 279.61, where appropriate.

16 Sec. 10. Section 256.42, subsection 6, Code 2014, is amended  
17 to read as follows:

18 6. Coursework offered under the initiative shall be  
19 rigorous and high quality, and the department shall annually  
20 evaluate the quality of the courses and ensure that coursework  
21 is aligned with the ~~state's core curriculum and core content~~  
22 ~~requirements and assessment~~ standards adopted pursuant to  
23 section 256.7, subsection 28, as well as national standards  
24 of quality for online courses issued by an internationally  
25 recognized association for kindergarten through grade twelve  
26 online learning.

27 Sec. 11. Section 257.11, subsection 11, Code 2014, is  
28 amended to read as follows:

29 11. *Shared classes and curriculum standards.* A school  
30 district shall ensure that any course made available to a  
31 student through any sharing agreement between the school  
32 district and a community college or any other entity providing  
33 course programming pursuant to this section to students  
34 enrolled in the school district meets the expectations  
35 contained in ~~the core curriculum adopted pursuant to section~~

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1 256.7, subsection 26. The school district shall ensure that  
2 any course that has the capacity to generate college credit  
3 shall be equivalent to college-level work.

4 Sec. 12. Section 258.4, subsection 8, Code 2014, is amended  
5 to read as follows:

6 8. Establish a minimum set of competencies ~~and core~~  
7 ~~curriculum~~ for approval of a vocational program sequence that  
8 addresses the following: new and emerging technologies;  
9 job-seeking, job-keeping, and other employment skills,  
10 including self-employment and entrepreneurial skills, that  
11 reflect current industry standards, leadership skills,  
12 entrepreneurial, and labor-market needs; and the strengthening  
13 of basic academic skills.

14 Sec. 13. Section 260C.14, subsection 22, paragraph b, Code  
15 2014, is amended to read as follows:

16 b. Collaborate with the state board of regents to meet  
17 the requirements specified in section 262.9, subsection 33,  
18 including but not limited to developing a systematic process  
19 for expanding academic discipline and meetings between the  
20 community college faculty and faculty of the institutions  
21 of higher education governed by the state board of regents,  
22 ~~developing criteria to prioritize core curriculum areas,~~  
23 promoting greater awareness of articulation-related activities,  
24 facilitating additional opportunities for individual  
25 institutions to pursue program articulation agreements for  
26 career and technical educational programs, and developing  
27 and implementing a process to examine a minimum of eight  
28 new associate of applied science degree programs for which  
29 articulation agreements would serve students' continued  
30 academic success in those degree programs.

31 Sec. 14. Section 261E.4, subsection 4, Code 2014, is amended  
32 to read as follows:

33 4. A school district shall establish prerequisite  
34 coursework for each advanced placement course offered and shall  
35 describe the prerequisites in the course registration handbook,



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1 which shall be provided to every junior high school or middle  
2 school student prior to the development of a ~~core curriculum~~  
3 graduation plan pursuant to section 279.61.

4 Sec. 15. Section 261E.6, subsection 2, Code 2014, is amended  
5 to read as follows:

6 2. *Notification.* The availability and requirements of this  
7 program shall be included in each school district's student  
8 registration handbook. Information about the program shall be  
9 provided to the student and the student's parent or guardian  
10 prior to the development of the student's ~~core curriculum~~  
11 graduation plan under section 279.61. The school district  
12 shall establish a process by which students may indicate  
13 interest in and apply for enrollment in the program.

14 Sec. 16. Section 261E.8, subsection 1, Code 2014, is amended  
15 to read as follows:

16 1. A district-to-community college sharing or concurrent  
17 enrollment program is established to be administered by the  
18 department to promote rigorous academic or career and technical  
19 pursuits and to provide a wider variety of options to high  
20 school students to enroll part-time in eligible nonsectarian  
21 courses at or through community colleges established under  
22 chapter 260C. The program shall be made available to all  
23 resident students in grades nine through twelve. Notice of  
24 the availability of the program shall be included in a school  
25 district's student registration handbook and the handbook shall  
26 identify which courses, if successfully completed, generate  
27 college credit under the program. A student and the student's  
28 parent or legal guardian shall also be made aware of this  
29 program as a part of the development of the student's ~~core~~  
30 curriculum graduation plan in accordance with section 279.61.

31 Sec. 17. Section 261E.9, subsection 2, paragraph b, Code  
32 2014, is amended to read as follows:

33 b. A regional academy may include in its curriculum virtual  
34 or internet-based coursework and courses delivered via the Iowa  
35 communications network, career and technical courses, ~~core~~

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1 ~~curriculum coursework~~, courses required pursuant to section  
2 256.7, subsection 26, or section 256.11, subsections 4 and 5,  
3 and asynchronous learning networks.  
4 Sec. 18. Section 261E.9, subsection 4, Code 2014, is amended  
5 to read as follows:  
6 4. Information regarding regional academies shall be  
7 provided to a student and the student's parent or guardian  
8 prior to the development of the student's ~~core curriculum~~  
9 graduation plan under section 279.61.  
10 Sec. 19. Section 261E.10, subsection 4, Code 2014, is  
11 amended to read as follows:  
12 4. Information regarding career academies shall be provided  
13 by the school district to a student and the student's parent  
14 or guardian prior to the development of the student's ~~core~~  
15 curriculum graduation plan under section 279.61.  
16 Sec. 20. Section 262.9, subsection 33, paragraph c, Code  
17 2014, is amended by striking the paragraph.  
18 Sec. 21. Section 279.61, Code 2014, is amended to read as  
19 follows:  
20 **279.61 Student plan for progress toward university admissions**  
21 **— report.**  
22 1. ~~For the school year beginning July 1, 2008, and each~~  
23 ~~succeeding school year, the~~ The board of directors of each  
24 school district shall cooperate with each student enrolled  
25 in grade eight to develop for the student a ~~core curriculum~~  
26 plan to guide the student toward the goal of successfully  
27 completing, at a minimum, the ~~core curriculum developed high~~  
28 school graduation requirements adopted by the state board of  
29 education pursuant to section 256.7, subsection 26, by the  
30 time the student graduates from high school. The plan shall  
31 include career options and shall identify the coursework  
32 needed in grades nine through twelve to support the student's  
33 postsecondary education and career options. Additionally, the  
34 plan shall include a timeline for each student to successfully  
35 complete, prior to graduation, all components of the

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1 state-designated career information and decision-making system  
2 administered by the department in accordance with section 118  
3 of the federal Carl D. Perkins Career and Technical Education  
4 Improvement Act of 2006, Pub. L. No. 109-270. The student's  
5 parent or guardian shall sign the ~~core curriculum~~ graduation  
6 plan developed with the student and the signed plan shall be  
7 included in the student's cumulative records.

8 2. ~~For the school year beginning July 1, 2008, and each~~  
9 ~~succeeding school year, the~~ The board of directors of each  
10 school district shall report annually to each student enrolled  
11 in grades nine through twelve in the school district, and, if  
12 the student is under the age of eighteen, to each student's  
13 parent or guardian, the student's progress toward meeting the  
14 goal of successfully completing the ~~core curriculum~~ and high  
15 school graduation requirements adopted by the state board of  
16 education pursuant to section 256.7, subsection 26.

17 Sec. 22. Section 280.3, subsection 3, Code 2014, is amended  
18 by striking the subsection.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill eliminates requirements and references to the  
23 (Iowa) core curriculum and to core content standards, but  
24 continues to direct the state board of education to adopt high  
25 school graduation requirements and assessment standards.

26 Provisions directing school districts to cooperate with  
27 each eighth grade student on a core curriculum plan to meet  
28 core curriculum requirements are amended to replace "core  
29 curriculum plan" with "graduation plan" and "core curriculum  
30 requirements" with "high school graduation requirements". The  
31 term "core content standards", which was used to describe the  
32 assessment standards adopted by the state board, is replaced  
33 with the term "assessment standards". The assessment standards  
34 will remain applicable to all students in kindergarten through  
35 grade 12 in every school district and accredited nonpublic

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1 school. Corresponding changes are made throughout the Code,  
2 and obsolete language is eliminated.



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**Senate File 2124 - Introduced**

SENATE FILE 2124  
BY QUIRMBACH and BOETTGER

**A BILL FOR**

1 An Act relating to the duties and authority of the college  
2 student aid commission relating to the registration of  
3 certain postsecondary schools, to interstate reciprocity  
4 agreements, and to registration fees collected by the  
5 commission.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6005XS (7) 85  
kh/sc



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S.F. 2124

1 Section 1. Section 261.2, subsection 11, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. The institutions are not required to register under  
4 chapter 261B or the institutions are participating resident  
5 institutions as defined in section 261G.2 that volunteer to  
6 register under section 261B.11B.

7 Sec. 2. Section 261.2, Code 2014, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 13. Enter into and administer,  
10 or recognize, an interstate reciprocity agreement for  
11 the provision of postsecondary distance education by a  
12 postsecondary institution pursuant to chapter 261G. The  
13 commission shall adopt rules establishing application  
14 procedures and criteria for the authorization of postsecondary  
15 institutions providing postsecondary distance education under  
16 interstate reciprocity agreements pursuant to chapter 261G  
17 and for the review and approval of interstate reciprocity  
18 agreements the commission may enter into or recognize pursuant  
19 to this subsection and chapter 261G. The commission may accept  
20 an authorization granted by another state to a postsecondary  
21 institution under an interstate reciprocity agreement to  
22 deliver postsecondary distance education.

23 Sec. 3. Section 261B.8, subsection 3, Code 2014, is amended  
24 to read as follows:

25 3. A postsecondary registration fund is created in the  
26 state treasury under the control of the commission. Fees  
27 collected under this section shall be deposited in the general  
28 postsecondary registration fund of the state. Moneys in the  
29 fund are appropriated to the commission and shall be used by  
30 the commission to administer this chapter and chapter 261G.  
31 Notwithstanding section 8.33, moneys in the fund shall not  
32 revert to the general fund of the state at the end of a fiscal  
33 year. Notwithstanding section 12C.7, interest or earnings on  
34 moneys in the fund shall be credited to the fund.

35 Sec. 4. NEW SECTION. 261B.11B Voluntary registration.

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1 A school or other postsecondary educational institution  
2 that is exempt under section 261B.11 may voluntarily register  
3 under chapter 261B in order to comply with chapter 261G or  
4 for purposes of institutional eligibility under 34 C.F.R.  
5 §600.9(a).

6 Sec. 5. NEW SECTION. 261G.1 Purpose.

7 The purpose of this chapter is to authorize the college  
8 student aid commission to enter into or recognize agreements  
9 that will create interstate reciprocity in the regulation of  
10 postsecondary distance education for the purpose of encouraging  
11 cost savings for students and greater efficiencies and  
12 effectiveness for institutions of higher education providing  
13 distance education.

14 Sec. 6. NEW SECTION. 261G.2 Definitions.

15 1. "*Commission*" means the college student aid commission  
16 created pursuant to section 261.1.

17 2. "*Interstate reciprocity agreement*" means an interstate  
18 reciprocity agreement entered into and administered, or  
19 recognized, by the commission in accordance with section 261.2,  
20 subsection 13.

21 3. "*Participating institution*" means an institution that  
22 meets the definition of subsection 4 or 5.

23 4. "*Participating nonresident institution*" means a  
24 postsecondary institution without a physical presence in  
25 Iowa that is offering instructional programs or courses in  
26 Iowa leading to a degree, is a member in good standing in an  
27 interstate reciprocity agreement, and is registered with and  
28 regulated by a state agency or authority that is a member in  
29 good standing in an interstate reciprocity agreement.

30 5. "*Participating resident institution*" means a  
31 postsecondary institution located in Iowa that is a member in  
32 good standing in an interstate reciprocity agreement and is  
33 offering instructional programs or courses in Iowa leading  
34 to a degree, including but not limited to the following  
35 institutions:



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- 1     *a.* A community college as defined in section 260C.2.  
2     *b.* An institution of higher learning governed by the state  
3 board of regents.  
4     *c.* An accredited private institution as defined in section  
5 261.9.  
6     *d.* A school or postsecondary educational institution that  
7 voluntarily registers with the commission pursuant to section  
8 261B.11B in order to comply with this chapter or for purposes  
9 of institutional eligibility under 34 C.F.R. §600.9(a).  
10    6. *Physical presence* means any of the following:  
11     *a.* Establishing a physical location in Iowa for students to  
12 receive synchronous or asynchronous instruction.  
13     *b.* Requiring students to physically meet in a location in  
14 Iowa for instructional purposes.  
15     *c.* Establishing an administrative office in Iowa, for any of  
16 the following purposes:  
17       (1) Providing information to prospective students or the  
18 general public about the institution, for enrolling students,  
19 or for providing services to enrolled students.  
20       (2) Providing office space to instructional or  
21 noninstructional staff.  
22       (3) Establishing an Iowa mailing address, street address,  
23 or telephone number.  
24    Sec. 7. NEW SECTION. **261G.3 Execution of duties.**  
25    The commission shall only enter into or recognize an  
26 interstate reciprocity agreement if the agreement contains  
27 sufficient consumer protection provisions and is otherwise in  
28 the best interests of students enrolled in institutions of  
29 higher education in this state.  
30    Sec. 8. NEW SECTION. **261G.4 Effect of agreement.**  
31    1. Notwithstanding any other provision of law to the  
32 contrary, a participating nonresident institution shall not be  
33 required to register under chapter 261B or to comply with the  
34 registration and disclosure requirements of chapter 261 or 261B  
35 or sections 714.17, 714.18, 714.19, 714.20, 714.21, 714.21A,



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1 714.23, 714.24, or 714.25 if the provisions of an interstate  
2 reciprocity agreement prohibit such registration or compliance.

3 2. Notwithstanding any other provision of law to the  
4 contrary, a participating resident institution shall be  
5 required to register under chapter 261B or to comply with the  
6 registration and disclosure requirements of chapter 261 or 261B  
7 or sections 714.17, 714.18, 714.19, 714.20, 714.21, 714.21A,  
8 714.23, 714.24, or 714.25 if the provisions of the interstate  
9 reciprocity agreement require such registration or compliance.

10 3. A participating institution offering instructional  
11 programs or courses under an interstate reciprocity agreement  
12 entered into or recognized by the commission must notify the  
13 commission of any change of status relating in any way to the  
14 interstate reciprocity agreement.

15 4. This chapter shall not be construed to prevent the  
16 commission or the state from requiring a school or other  
17 postsecondary educational institution to register under chapter  
18 261B or from taking enforcement action against a participating  
19 institution in any of the following circumstances:

20 a. A participating nonresident institution leaves or  
21 otherwise ceases to be a member in good standing in an  
22 interstate reciprocity agreement.

23 b. The participating institution is physically or  
24 administratively housed in a state that does not join or ceases  
25 to be a member in good standing in an interstate reciprocity  
26 agreement entered into or recognized by the commission.

27 c. The discovery of acts or omissions subject to the  
28 enforcement action but which occurred prior to the commission's  
29 entering into or recognizing an interstate reciprocity  
30 agreement.

31 5. Students attending a participating nonresident  
32 institution are ineligible for state student financial aid  
33 programs established under chapter 261.

34 Sec. 9. NEW SECTION. 261G.5 Postsecondary registration  
35 fees.



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1 1. The commission shall set by rule and collect a  
2 nonrefundable initial registration fee and a renewal of  
3 registration fee from each participating institution that  
4 voluntarily registers with the commission pursuant to section  
5 261B.11B in order to comply with this chapter or for purposes  
6 of institutional eligibility under 34 C.F.R. §600.9(a).

7 2. Fees shall be set by rule not more than once each  
8 year and shall be based upon the costs of administering this  
9 chapter.

10 3. Fees collected under this section shall be deposited in a  
11 separate account in the postsecondary registration fund created  
12 pursuant to section 261B.8, subsection 3, and shall be used for  
13 purposes of administering this chapter.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the college student aid commission's  
18 duties and authority to register postsecondary schools and to  
19 enter into and administer, or recognize, interstate reciprocity  
20 agreements. The bill also provides for the collection and  
21 appropriation of fees collected when schools and postsecondary  
22 institutions register with the commission.

23 The bill creates new Code chapter 261G, and establishes that  
24 the purpose of the Code chapter is to authorize the commission  
25 to enter into or recognize agreements that will create  
26 interstate reciprocity in the regulation of postsecondary  
27 distance education for the purpose of encouraging cost savings  
28 for students and greater efficiencies and effectiveness for  
29 institutions of higher education providing distance education.  
30 The commission shall only enter into or recognize an interstate  
31 reciprocity agreement if the agreement contains sufficient  
32 consumer protection provisions and is otherwise in the best  
33 interest of students enrolled in institutions of higher  
34 education in this state.

35 The bill permits the provisions of an interstate reciprocity

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kh/sc

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1 agreement to override the registration provisions of Code  
2 chapter 261B, the compliance requirements for registration and  
3 disclosure under Code chapters 261 and 261B, and compliance  
4 with Code sections 714.17 through 714.25, relating to unlawful  
5 advertising and selling of educational courses, evidence of  
6 financial responsibility, exemptions for certain educational  
7 institutions, one lifetime contract per person limitation,  
8 civil and criminal penalties, refund policies, and disclosure.

9 The bill provides that new Code chapter 261G shall not  
10 prevent the commission or the state from requiring a school or  
11 other postsecondary educational institution to register under  
12 Code chapter 261B or from taking enforcement action against  
13 a participating institution if a participating nonresident  
14 institution leaves or otherwise ceases to be a member in  
15 good standing in an interstate reciprocity agreement, the  
16 postsecondary institution is physically or administratively  
17 housed in a state that does not join or ceases to be a member  
18 in good standing in an interstate reciprocity agreement, or  
19 for acts or omissions subject to the enforcement action which  
20 occurred prior to the commission entering into or recognizing  
21 an interstate reciprocity agreement.

22 The bill provides that students attending a participating  
23 nonresident institution are ineligible for state student  
24 financial aid programs.

25 The bill amends Code section 261.2, which provides for  
26 the commission's duties, to direct the commission to enter  
27 into and administer, or recognize, an interstate reciprocity  
28 agreement for the provision of postsecondary distance education  
29 by a postsecondary institution under new Code chapter 261G.  
30 The commission must adopt rules establishing application  
31 procedures and criteria for the authorization of postsecondary  
32 institutions providing postsecondary distance education under  
33 interstate reciprocity agreements and for the review and  
34 approval of such agreements. The commission may accept an  
35 authorization granted by another state to deliver postsecondary



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1 distance education under an interstate reciprocity agreement.  
2 Currently, students receiving state-funded scholarships  
3 and grants cannot use such scholarships and grants at schools  
4 required to register under Code chapter 261B. The bill  
5 provides that the limitation does not apply to a resident  
6 postsecondary institution that is exempt from the registration  
7 requirements of Code chapter 261B and is participating in an  
8 interstate reciprocity agreement to provide postsecondary  
9 distance education. However, the bill also provides that a  
10 school or other postsecondary educational institution that is  
11 exempt from registering under Code chapter 261B may voluntarily  
12 register to comply with Code chapter 261G or for purposes of  
13 institutional eligibility under the federal Higher Education  
14 Act of 1965, as amended.  
15 Under current law, registration fees collected under Code  
16 chapter 261B are deposited in the general fund of the state.  
17 The bill creates a postsecondary registration fund in the state  
18 treasury under the control of the commission for fees collected  
19 for postsecondary school registration required pursuant to Code  
20 chapter 261B and for registration of schools and postsecondary  
21 institutions that volunteer to register with the commission.  
22 The fees are appropriated to the commission and must be  
23 deposited into a separate account in the new fund and used for  
24 the administration of the new Code chapter.



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**Senate File 2125 - Introduced**

SENATE FILE 2125  
BY CHAPMAN, ANDERSON,  
SINCLAIR, JOHNSON,  
FEENSTRA, ROZENBOOM,  
GREINER, ERNST, KAPUCIAN,  
BREITBACH, CHELGREN,  
BOETTGER, and BEHN

**A BILL FOR**

1 An Act providing for a fiscal analysis of all proposed rules  
2 and a process for a review and prospective five-year  
3 recision of existing rules.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5484XS (7) 85  
jr/rj



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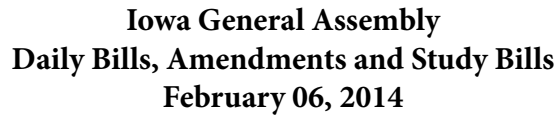
1 Section 1. Section 17A.4, subsection 2, Code 2014, is  
2 amended to read as follows:  
3 2. a. An agency shall include in a preamble to each rule  
4 it adopts a brief explanation of the principal reasons for its  
5 action and, if applicable, a brief explanation of the principal  
6 reasons for its failure to provide in that rule for the waiver  
7 of the rule in specified situations if no such waiver provision  
8 is included in the rule. This explanatory requirement does  
9 not apply when the agency adopts a rule that only defines the  
10 meaning of a provision of law if the agency does not possess  
11 delegated authority to bind the courts to any extent with  
12 its definition. In addition, if If requested to do so by an  
13 interested person, either prior to adoption or within thirty  
14 days thereafter, the agency shall issue a concise statement  
15 of the principal reasons for and against the rule adopted,  
16 incorporating therein the reasons for overruling considerations  
17 urged against the rule. This concise statement shall be issued  
18 either at the time of the adoption of the rule or within  
19 thirty-five days after the agency receives the request.  
20 b. Each agency shall include in a preamble to each notice of  
21 intended action, or rule adopted without prior notice and an  
22 opportunity for public participation:  
23 (1) A brief explanation of the principal reasons for its  
24 action and, if applicable, a brief explanation of the principal  
25 reasons for its failure to provide in that rule for the waiver  
26 of the rule in specified situations if no such waiver provision  
27 is included in the rule. This explanatory requirement does  
28 not apply when the agency adopts a rule that only defines the  
29 meaning of a provision of law if the agency does not possess  
30 delegated authority to bind the courts to any extent with its  
31 definition.  
32 (2) A financial impact statement that details the  
33 benefits anticipated from the proposed rule and the costs of  
34 implementation and compliance on both the agency and those  
35 persons impacted by the rule.

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(a) If the agency has made a good-faith effort to comply with the requirements of this subparagraph, the rule may not be invalidated on the ground that the contents of the statement are insufficient or inaccurate.

8     Sec. 2. Section 17A.7, subsection 2, Code 2014, is amended  
9 by striking the subsection and inserting in lieu thereof the  
10 following:

17 c. (1) Twelve months prior to the notice referred  
18 to in paragraph "b", the agency shall publish in the Iowa  
19 administrative bulletin a review of the rule which shall  
20 include the financial impact statement required pursuant to  
21 section 17A.3, subsection 2, paragraph "b", and the actual  
22 cost of implementation and compliance since adoption. The  
23 review shall also project the cost of continuance of the  
24 rule. The agency shall provide a copy of the review to the  
25 administrative rules coordinator and the administrative rules  
26 review committee.

34 EXPLANATION

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1 the explanation's substance by the members of the general assembly.

2 This bill requires that each notice of intended action to  
3 adopt an administrative rule, or each "emergency" adopted rule,  
4 contain a financial impact statement that details the benefits  
5 anticipated from the rule, the costs of implementation and  
6 compliance on both the agency and those persons impacted. The  
7 statement must be included in the preamble to the rulemaking  
8 document. The agency is required to make a good-faith effort  
9 to prepare the statement. A member of the General Assembly  
10 may request that the statement be reviewed for accuracy by the  
11 legislative services agency.

12 Existing provisions relating to a concise statement of  
13 reasons for adoption of a rule are moved to the bill's new  
14 provision and applied to proposed rules.

15 The bill strikes existing provisions relating to the  
16 periodic review of existing rules, substituting provisions for  
17 a five-year sunset for all rules. Rules can be readopted,  
18 accompanied by an agency review outlining the costs associated  
19 with the rule. The legislative services agency is required to  
20 analyze an agency's review if the annual financial impact of a  
21 noticed rule is at least \$100,000.



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**Senate File 2126 - Introduced**

SENATE FILE 2126

BY ZAUN, FEENSTRA, SINCLAIR,  
BEHN, CHELGREN, CHAPMAN,  
ROZENBOOM, BREITBACH, GUTH,  
SEGEBART, and ERNST

**A BILL FOR**

1 An Act providing for the development of a mandatory defined  
2 contribution pension plan for certain public employees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5910XS (5) 85  
ec/sc



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1 Section 1. Section 97A.3, subsection 1, Code 2014, is  
2 amended to read as follows:

3 1. All peace officer members of the division of state  
4 patrol and the division of criminal investigation or the  
5 predecessor divisions or subunits in the department of public  
6 safety, excepting the members of the clerical force, who  
7 are employed by the state of Iowa on July 4, 1949, and all  
8 persons thereafter employed as members of such divisions or the  
9 predecessor divisions or subunits in the department of public  
10 safety or division of narcotics enforcement or division of  
11 state fire marshal or the predecessor divisions or subunits,  
12 except the members of the clerical force, shall be members of  
13 this system, except as otherwise provided in this subsection  
14 or subsection 3. Effective July 1, 1994, gaming enforcement  
15 officers employed by the division of criminal investigation  
16 for excursion boat and gambling structure gambling enforcement  
17 activities and fire prevention inspector peace officers  
18 employed by the department of public safety shall be members of  
19 this system, except as otherwise provided in this subsection  
20 or subsection 3 or section 97B.42B. Such members shall not  
21 be required to make contributions under any other pension  
22 or retirement system of the state of Iowa, anything to the  
23 contrary notwithstanding. However, peace officer members of  
24 the division of state patrol and the division of criminal  
25 investigation or the predecessor divisions or subunits  
26 in the department of public safety, persons employed as  
27 members of such divisions or the predecessor divisions or  
28 subunits in the department of public safety or division of  
29 narcotics enforcement or division of state fire marshal or the  
30 predecessor divisions or subunits, gaming enforcement officers,  
31 and fire prevention inspector peace officers newly hired on or  
32 after July 1, 2016, shall not be eligible to participate in the  
33 retirement system under this chapter.

34 Sec. 2. Section 97B.1A, subsection 8, paragraph b, Code  
35 2014, is amended by adding the following new subparagraph:

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1     NEW SUBPARAGRAPH. (10) Employees who are employed as  
2 defined in this chapter for whom coverage under this chapter  
3 would otherwise be mandatory or optional but who are newly  
4 hired on or after July 1, 2016.

5     Sec. 3. Section 411.2, subsection 1, Code 2014, is amended  
6 to read as follows:

7     1. Except as provided in subsections 2 through 5 6,  
8 each city in which the fire fighters or police officers are  
9 appointed under the civil service law of this state, shall  
10 participate in the retirement system established by this  
11 chapter for the purpose of providing retirement allowances only  
12 for fire fighters or police officers, or both, of the cities  
13 who are so appointed after the date the city comes under the  
14 retirement system, or benefits to their dependents.

15     Sec. 4. Section 411.2, Code 2014, is amended by adding the  
16 following new subsection:

17     NEW SUBSECTION. 6. A police officer or fire fighter hired  
18 on or after July 1, 2016, by a city with a population of more  
19 than eight thousand prior to the results of the federal census  
20 conducted in 1990 shall not be eligible to participate in the  
21 retirement system under this chapter.

22     Sec. 5. Section 602.1611, subsection 1, unnumbered  
23 paragraph 1, Code 2014, is amended to read as follows:

24     Judges of the supreme court and court of appeals, district  
25 judges, and district associate judges are members of the  
26 judicial retirement system established in article 9, part 1,  
27 and are not members of the public employees' retirement system  
28 established in chapter 97B, except as provided in paragraphs  
29 "a", and "b", and "c".

30     Sec. 6. Section 602.1611, subsection 1, Code 2014, is  
31 amended by adding the following new paragraph:

32     NEW PARAGRAPH. c. Judges of the supreme court and court  
33 of appeals, district judges, and district associate judges  
34 appointed on or after July 1, 2016, shall not become members  
35 of the judicial retirement system established in article 9,

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1 part 1, but shall instead become eligible to participate in  
2 an alternative defined contribution retirement system as  
3 established by the state court administrator.

4 Sec. 7. ALTERNATIVE DEFINED CONTRIBUTION PEACE OFFICERS'  
5 RETIREMENT SYSTEM STUDY — REPORT.

6 1. The board of trustees of the Iowa department of public  
7 safety peace officers' retirement, accident, and disability  
8 system established by chapter 97A shall conduct a study for the  
9 development of an alternative defined contribution retirement  
10 system for peace officers hired on or after July 1, 2016, who  
11 are ineligible to participate in the Iowa department of public  
12 safety peace officers' retirement, accident, and disability  
13 system established in chapter 97A, as provided in this Act.  
14 The board shall conduct a study and submit a report, including  
15 its findings and recommendations, to the public retirement  
16 systems committee established in section 97D.4, by October 1,  
17 2015.

18 2. The goal of the study shall be the selection of an  
19 alternative defined contribution retirement plan that provides  
20 adequate retirement benefits while reducing and stabilizing the  
21 cost to taxpayers of providing retirement benefits.

22 3. In making its recommendation, the board shall consider  
23 methods of providing medical, disability, and line of duty  
24 death benefits to affected peace officers. The board shall  
25 also consider whether the affected peace officers can be  
26 enrolled in the federal social security system.

27 Sec. 8. ALTERNATIVE DEFINED CONTRIBUTION IOWA PUBLIC  
28 EMPLOYEES' RETIREMENT SYSTEM STUDY — REPORT.

29 1. The Iowa public employees' retirement system shall  
30 conduct a study for the development of an alternative defined  
31 contribution retirement system for employees who would  
32 otherwise be members of the system but who are hired on or  
33 after July 1, 2016, and are ineligible to participate in  
34 the Iowa public employees' retirement system established  
35 in chapter 97B, as provided in this Act. The system shall

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1 conduct a study and submit a report, including its findings and  
2 recommendations, to the public retirement systems committee  
3 established in section 97D.4, by October 1, 2015.

4 2. The goal of the study shall be the selection of an  
5 alternative defined contribution retirement plan that provides  
6 adequate retirement benefits while reducing and stabilizing the  
7 cost to taxpayers of providing retirement benefits.

8 3. In making its recommendation, the system shall consider  
9 methods of providing medical, disability, and line of duty  
10 death benefits to employees who would otherwise be members in  
11 special service under the system but are ineligible as provided  
12 in this Act.

13 Sec. 9. ALTERNATIVE FIRE AND POLICE RETIREMENT SYSTEM STUDY  
14 — REPORT.

15 1. The board of trustees of the statewide fire and police  
16 retirement system established by chapter 411 shall conduct a  
17 study for the development of an alternative fire and police  
18 retirement system for police officers and fire fighters hired  
19 on or after July 1, 2016, who are ineligible to participate in  
20 the statewide fire and police retirement system as provided in  
21 this Act. The board shall conduct a study and submit a report,  
22 including its findings and recommendations, to the public  
23 retirement systems committee established in section 97D.4, by  
24 October 1, 2015.

25 2. The goal of the study shall be the selection of an  
26 alternative defined contribution retirement plan that provides  
27 adequate retirement benefits while reducing and stabilizing the  
28 cost to taxpayers of providing retirement benefits.

29 3. In making its recommendation, the board shall consider  
30 methods of providing medical, disability, and line of duty  
31 death benefits to affected police officers and fire fighters.  
32 The board shall also consider whether the affected peace  
33 officers and fire fighters can be enrolled in the federal  
34 social security system.

35 Sec. 10. ALTERNATIVE DEFINED CONTRIBUTION JUDICIAL

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1 RETIREMENT SYSTEM STUDY — REPORT.

2 1. The state court administrator shall conduct a study  
3 for the development of an alternative defined contribution  
4 judicial retirement system for judges appointed on or after  
5 July 1, 2016, who are ineligible to participate in the judicial  
6 retirement system, as provided in this Act. The state court  
7 administrator shall conduct a study and submit a report,  
8 including its findings and recommendations, to the public  
9 retirement systems committee established in section 97D.4, by  
10 October 1, 2015.

11 2. The goal of the study shall be the selection of an  
12 alternative defined contribution retirement plan that provides  
13 adequate retirement benefits to judges while reducing and  
14 stabilizing the cost to taxpayers of providing retirement  
15 benefits.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill provides that employees newly hired on or after  
20 July 1, 2016, who would otherwise be members of the public  
21 safety peace officers' retirement, accident, and disability  
22 system established by Code chapter 97A, the Iowa public  
23 employees' retirement system established by Code chapter 97B,  
24 the statewide fire and police retirement system established by  
25 Code chapter 411, or the judicial retirement system established  
26 by Code chapter 602, shall not become members of the applicable  
27 retirement system. Instead, the bill directs each retirement  
28 system to develop an alternative defined contribution plan for  
29 these employees newly hired on or after July 1, 2016. The bill  
30 provides that each retirement system shall submit the plan to  
31 create an alternative defined contribution plan to the public  
32 retirement systems committee established in Code section 97D.4  
33 by October 1, 2015.



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**Senate File 2127 - Introduced**

SENATE FILE 2127  
BY McCOY

**A BILL FOR**

1 An Act requiring radon testing and mitigation in public  
2 schools.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5918XS (3) 85  
je/sc



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1 Section 1. NEW SECTION. 280.30 Radon testing and  
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means  
4 a test approved by the department of public health in which a  
5 testing device remains in an area for not less than two days  
6 and not more than ninety days to determine the amount of radon  
7 in the air that is acceptable for human inhalation.

8 2. The board of directors of each public school district  
9 shall establish a schedule for a short-term testing for radon  
10 gas to be performed at each attendance center under its control  
11 at least once by June 30, 2016, and at least once every ten  
12 years thereafter, and following any new construction of an  
13 attendance center or additions, renovations, or repairs to an  
14 attendance center, unless otherwise provided by subsection 5.

15 3. If the results of a test at an attendance center are at  
16 or above four picocuries per liter, the board of directors of  
17 the public school district shall have a second short-term test  
18 for radon gas and radon progeny performed at the attendance  
19 center within ninety days of the first short-term test.

20 4. If the results of a second test at an attendance center  
21 pursuant to subsection 3 are at or above four picocuries per  
22 liter, the board of directors of the public school district  
23 shall retain a person credentialed to perform radon abatement  
24 measures pursuant to section 136B.1 to develop a radon  
25 mitigation plan within ninety days of the second short-term  
26 test. The board shall implement the radon mitigation plan  
27 within one year of the second short-term test.

28 5. *a.* The board of directors of each public school district  
29 shall have a short-term test for radon gas and radon progeny  
30 performed every other year at any attendance center that has  
31 implemented a radon mitigation plan pursuant to subsection 4 or  
32 an alternative radon mitigation plan pursuant to paragraph "*b*"  
33 of this subsection.

34 *b.* If the results of a biennial test at an attendance  
35 center are at or above four picocuries per liter, the board of

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1 directors of the public school district shall retain a person  
2 credentialed to perform radon abatement measures pursuant to  
3 section 136B.1 to develop an alternative radon mitigation plan  
4 within ninety days of the biennial test. The board shall  
5 implement the alternative radon mitigation plan within one year  
6 of the biennial test.

7 c. The board of directors of each public school district  
8 shall continue biennial radon testing at an attendance center  
9 until the results of biennial radon testing at the attendance  
10 center have been less than four picocuries per liter for four  
11 consecutive years.

12 6. The board of directors of each public school district  
13 shall submit the results of each radon test conducted at an  
14 attendance center pursuant to this section to the department  
15 of education within five days.

16 7. Radon testing pursuant to this section shall be conducted  
17 by a person certified to conduct such testing pursuant to  
18 section 136B.1 and shall be conducted as prescribed by the  
19 department of public health. Radon mitigation plans and  
20 alternative radon mitigation plans pursuant to this section  
21 shall be developed and implemented as prescribed by the  
22 department of public health.

23 8. The department of public health and the department of  
24 education shall each adopt rules to jointly administer this  
25 section.

26 Sec. 2. Section 298.3, subsection 1, Code 2014, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. n. Radon testing and radon mitigation  
29 pursuant to section 280.30.

30 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code  
31 2014, is amended to read as follows:

32 a. If the board of directors adopts a resolution to use  
33 funds received under the operation of this chapter solely for  
34 providing property tax relief by reducing indebtedness from the  
35 levies specified under section 298.2 or 298.18, or for radon

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1 testing and radon mitigation pursuant to section 280.30, the  
2 board of directors may approve a revenue purpose statement for  
3 that purpose without submitting the revenue purpose statement  
4 to a vote of the electors.

5 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance  
6 with section 25B.2, subsection 3, the state cost of requiring  
7 compliance with any state mandate included in this Act shall  
8 be paid by a school district from state school foundation aid  
9 received by the school district under section 257.16. This  
10 specification of the payment of the state cost shall be deemed  
11 to meet all of the state funding-related requirements of  
12 section 25B.2, subsection 3, and no additional state funding  
13 shall be necessary for the full implementation of this Act  
14 by and enforcement of this Act against all affected school  
15 districts.

16 Sec. 5. APPLICABILITY. Section 423F.3, subsection 7, shall  
17 not apply to this Act.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill requires the board of directors of each public  
22 school district to have a short-term test for radon gas  
23 performed at each attendance center under its control at  
24 least once by June 30, 2016, and at least once every 10 years  
25 thereafter, and following new construction of an attendance  
26 center or additions, renovations, or repairs to an attendance  
27 center. If the results of such a test are at or above four  
28 picocuries per liter, the bill requires the board to have a  
29 second short-term test performed at the attendance center  
30 within 90 days.

31 If the results of a second test are at or above four  
32 picocuries per liter, the bill requires the board of directors  
33 of the public school district to retain a person credentialed  
34 to perform radon abatement measures to develop a radon  
35 mitigation plan within 90 days. The radon mitigation plan must

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1 be implemented within one year.

2 If the results of a short-term test at an attendance center  
3 at which a radon mitigation plan has been implemented are at or  
4 above four picocuries per liter, the bill requires the board  
5 of directors of the public school district to retain a person  
6 credentialed to perform radon abatement measures to develop  
7 an alternative radon mitigation plan within 90 days. The  
8 alternative radon mitigation plan must be implemented within  
9 one year.

10 The bill requires biennial, short-term radon testing for any  
11 school site at which a radon mitigation plan or an alternative  
12 radon mitigation plan has been implemented, which continues  
13 until the results have been less than four picocuries per liter  
14 for four consecutive years.

15 The bill requires the board of directors of each public  
16 school district to submit the results of each radon test  
17 conducted at an attendance center pursuant to the bill to the  
18 department of education within five days.

19 The bill defines "short-term test" as a test approved by  
20 the department of public health in which a testing device  
21 remains in an area for not less than two days and not more than  
22 90 days to determine the amount of radon in the air that is  
23 acceptable for human inhalation. Radon testing pursuant to the  
24 bill must be conducted by a person certified to conduct such  
25 testing and must be conducted as prescribed by the department  
26 of public health. Radon mitigation plans and alternative radon  
27 mitigation plans pursuant to the bill must be developed and  
28 implemented as prescribed by the department of public health.

29 The bill requires the department of public health and  
30 the department of education to each adopt rules to jointly  
31 administer the provisions of the bill relating to radon testing  
32 in schools.

33 The bill adds radon testing and radon mitigation pursuant to  
34 the bill to the list of permissible uses of a physical plant  
35 and equipment levy or revenues from the secure an advanced

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1 vision for education fund under Code section 423F.3 or by a  
2 school district.

3 The bill may include a state mandate as defined in Code  
4 section 25B.3. The bill requires that the state cost of  
5 any state mandate included in the bill be paid by a school  
6 district from state school foundation aid received by the  
7 school district under Code section 257.16. The specification  
8 is deemed to constitute state compliance with any state mandate  
9 funding-related requirements of Code section 25B.2. The  
10 inclusion of this specification is intended to reinstate the  
11 requirement of political subdivisions to comply with any state  
12 mandates included in the bill.

13 The bill makes inapplicable Code section 423F.3, subsection  
14 7, which requires a bill that would alter the purposes for  
15 which the revenues received under Code section 423F.3 may be  
16 used from infrastructure and property tax relief purposes  
17 to any other purpose to be approved by a vote of at least  
18 two-thirds of the members of both chambers of the general  
19 assembly.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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**Senate File 2128 - Introduced**

SENATE FILE 2128  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2058)

**A BILL FOR**

1 An Act concerning the definition of off-road utility vehicle  
2 for purposes of regulation by the department of natural  
3 resources.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5295SV (1) 85  
dea/nh



Iowa General Assembly  
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S.F. 2128

1 Section 1. Section 321I.1, subsection 17, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. *"Off-road utility vehicle"* means a motorized vehicle with  
4 not less than four and not more than eight nonhighway tires or  
5 rubberized tracks ~~that is limited in engine displacement to~~  
6 ~~less than one thousand five hundred cubic centimeters and in~~  
7 ~~total dry weight to not more than two thousand pounds and that~~  
8 has a seat that is of bucket or bench design, not intended to  
9 be straddled by the operator, and a steering wheel or control  
10 levers for control. *"Off-road utility vehicle"* includes the  
11 following vehicles:

12 (1) *"Off-road utility vehicle — type 1"* means an off-road  
13 utility vehicle with a total dry weight of one thousand two  
14 hundred pounds or less and a width of fifty inches or less.

15 (2) *"Off-road utility vehicle — type 2"* means an off-road  
16 utility vehicle, other than a type 1 off-road utility vehicle,  
17 with a total dry weight of two thousand pounds or less, and a  
18 width of sixty-five inches or less.

19 (3) *"Off-road utility vehicle — type 3"* means an off-road  
20 utility vehicle with a total dry weight of more than two  
21 thousand pounds or a width of more than sixty-five inches, or  
22 both.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill revises the definition of "off-road utility  
27 vehicle" in Code chapter 321I, which provides for the  
28 registration and regulation of all-terrain and off-road utility  
29 vehicles by the department of natural resources and authorizes  
30 and limits the use of those vehicles on designated riding  
31 areas and trails. "Off-road utility vehicle" is defined as a  
32 motorized vehicle with not less than four and not more than  
33 eight nonhighway tires or rubberized tracks, a bucket or bench  
34 seat, and a steering wheel or control levers. The current  
35 definition of "off-road utility vehicle" includes vehicles with

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dea/nh

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Iowa General Assembly  
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1 an engine displacement of less than 1,500 cubic centimeters and  
2 a total dry weight of less than 2,000 pounds. The bill strikes  
3 the limitation on engine size and establishes three off-road  
4 utility vehicle classifications based on weight and width as  
5 follows:

6 "Off-road utility vehicle — type 1" includes vehicles with  
7 a total dry weight of 1,200 pounds or less and a width of 50  
8 inches or less.

9 "Off-road utility vehicle — type 2" includes vehicles,  
10 other than type 1 vehicles, with a total dry weight of 2,000  
11 pounds or less and a width of 65 inches or less.

12 "Off-road utility vehicle — type 3" includes vehicles with  
13 a total dry weight of more than 2,000 pounds or a width of more  
14 than 65 inches, or both.



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**Senate File 2129 - Introduced**

SENATE FILE 2129  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2006)

**A BILL FOR**

1 An Act authorizing the establishment of a philanthropy account  
2 within an agency fund established by a school corporation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5374SV (2) 85  
je/sc



Iowa General Assembly  
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S.F. 2129

1 Section 1. Section 298A.13, Code 2014, is amended to read  
2 as follows:

3 **298A.13 Trust, permanent, or agency funds.**

4 1. Trust, permanent, or agency funds shall be established  
5 by any school corporation to account for gifts it receives to  
6 be used for a particular purpose or to account for money and  
7 property received and administered by the district as trustee  
8 or custodian or in the capacity of an agent. Boards may  
9 establish trust, permanent, or agency funds as necessary.

10 2. The board of directors of a school corporation may  
11 establish a philanthropy account within an agency fund to  
12 account for proceeds of a philanthropic fundraiser approved  
13 by the board. To establish a philanthropy account, the  
14 board shall establish the public purpose for organizing the  
15 fundraiser and shall, by resolution, authorize the fundraiser  
16 for the specific philanthropic purpose and for a specific time  
17 period. The board shall ensure that all materials relating  
18 to the fundraiser clearly identify the philanthropic purpose  
19 for which the school corporation will use the excess of the  
20 proceeds raised over the costs of the fundraiser. Fundraisers  
21 shall not involve professional or commercial fundraisers  
22 and shall not include solicitation of grants. The board  
23 may establish more than one philanthropy account but shall  
24 ensure that each account separately identifies the assets  
25 and liabilities related to a separate philanthropic purpose  
26 approved by the board. A philanthropy account shall consist  
27 only of voluntary donations raised by the students or school  
28 corporation employees for a specified philanthropic purpose  
29 approved by the board. A school corporation shall provide,  
30 upon request and without cost to the requesting party,  
31 financial disclosure information concerning contributions  
32 received and disbursements for a philanthropy account that is  
33 the subject of the request. For purposes of this section,  
34 "philanthropic purpose" means an educational, charitable,  
35 humane, scientific, public health or welfare, environmental,

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1 disaster relief, or other similar objective defined in  
2 department of education rules. The philanthropic purposes  
3 for which moneys in an account may be used shall be limited  
4 to public purposes that are related to a student or students  
5 enrolled in the school corporation and their families, to  
6 the school corporation, to the community in which the school  
7 corporation is located, or to a nonprofit organization operated  
8 exclusively for the purposes set forth in section 501(c)(3)  
9 of the Internal Revenue Code and that are eligible to receive  
10 donations from a school corporation in accordance with this  
11 subsection and department of education rules. However, such  
12 a nonprofit organization shall not be a political, religious,  
13 athletic, postsecondary, or similar organization. The school  
14 corporation shall obtain written permission from a nonprofit  
15 organization prior to using its name in materials relating to  
16 the fundraiser.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill authorizes the board of directors of a school  
21 corporation to establish a philanthropy account within a school  
22 district's agency fund established under Code section 298A.13  
23 to account for proceeds of a board-approved philanthropic  
24 fundraiser. The board must establish a public purpose for  
25 organizing such a fundraiser. Such a fundraiser must carry  
26 out a philanthropic purpose. The bill provides procedures and  
27 requirements for a board to establish an account. The bill  
28 provides limitations on eligible fundraisers and on the types  
29 of moneys for which use of an account is permitted.

30 The bill defines "philanthropic purpose" as an educational,  
31 charitable, humane, scientific, public health or welfare,  
32 environmental, disaster relief, or other similar objective  
33 defined in department of education rules. The philanthropic  
34 purposes for which moneys in an account may be used shall be  
35 limited to public purposes that are related to a student or

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1 students enrolled in the school corporation and their families,  
2 to the school corporation, to the community in which the  
3 school corporation is located, or to a tax-exempt nonprofit  
4 organization that is eligible to receive donations from a  
5 school corporation in accordance with the bill and department  
6 of education rules.



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**Senate File 2130 - Introduced**

SENATE FILE 2130  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3152)

**A BILL FOR**

1 An Act relating to and making transportation and other  
2 infrastructure-related appropriations to the department of  
3 transportation, including allocation and use of moneys from  
4 the road use tax fund and the primary road fund.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5009SV (1) 85  
dea/tm



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S.F. 2130

1 Section 1. 2013 Iowa Acts, chapter 134, section 3, is  
2 amended to read as follows:

3 SEC. 3. ROAD USE TAX FUND. There is appropriated from the  
4 road use tax fund created in section 312.1 to the department of  
5 transportation for the fiscal year beginning July 1, 2014, and  
6 ending June 30, 2015, the following amounts, or so much thereof  
7 as is necessary, to be used for the purposes designated:

8 1. For the payment of costs associated with the production  
9 of driver's licenses, as defined in section 321.1, subsection  
10 20A:

11 ..... \$ ~~1,938,000~~  
12 3,876,000

13 Notwithstanding section 8.33, moneys appropriated in this  
14 subsection that remain unencumbered or unobligated at the close  
15 of the fiscal year shall not revert but shall remain available  
16 for expenditure for the purposes specified in this subsection  
17 until the close of the succeeding fiscal year.

18 2. For salaries, support, maintenance, and miscellaneous  
19 purposes:

20 a. Operations:

21 ..... \$ ~~3,192,480~~  
22 6,384,960

23 b. Planning:

24 ..... \$ ~~207,000~~  
25 414,000

26 c. Motor vehicles:

27 ..... \$ ~~16,960,500~~  
28 34,616,659

29 d. Performance and technology:

30 ..... \$ ~~230,020~~  
31 460,040

32 3. For payments to the department of administrative  
33 services for utility services:

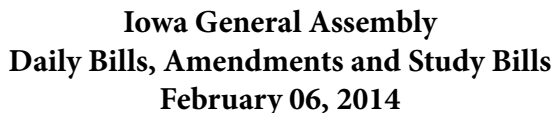
34 ..... \$ ~~107,500~~  
35 235,125

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1	4. Unemployment compensation:	
2	.....	\$ 3,500
3		<u>7,000</u>
4	5. For payments to the department of administrative	
5	services for paying workers' compensation claims under chapter	
6	85 on behalf of employees of the department of transportation:	
7	.....	\$ 57,000
8		<u>114,000</u>
9	6. For payment to the general fund of the state for indirect	
10	cost recoveries:	
11	.....	\$ 39,000
12		<u>78,000</u>
13	7. For reimbursement to the auditor of state for audit	
14	expenses as provided in section 11.5B:	
15	.....	\$ 33,660
16		<u>67,319</u>
17	8. For automation, telecommunications, and related costs	
18	associated with the county issuance of driver's licenses and	
19	vehicle registrations and titles:	
20	.....	\$ 703,000
21		<u>1,406,000</u>
22	9. For transfer to the department of public safety for	
23	operating a system providing toll-free telephone road and	
24	weather conditions information:	
25	.....	\$ 50,000
26		<u>100,000</u>
27	10. For costs associated with the participation in the	
28	Mississippi river parkway commission:	
29	.....	\$ 20,000
30		<u>40,000</u>
31	11. For motor vehicle division field facility maintenance	
32	projects at various locations:	
33	.....	\$ 100,000
34		<u>200,000</u>
35	For purposes of section 8.33, unless specifically provided	

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1 otherwise, moneys appropriated in subsection 11 that remain  
2 unencumbered or unobligated shall not revert but shall remain  
3 available for expenditure for the purposes designated until  
4 the close of the fiscal year that ends three years after the  
5 end of the fiscal year for which the appropriation was made.  
6 However, if the projects for which the appropriation was  
7 made are completed in an earlier fiscal year, unencumbered  
8 or unobligated moneys shall revert at the close of that same  
9 fiscal year.

10 Sec. 2. 2013 Iowa Acts, chapter 134, section 4, is amended  
11 to read as follows:

12 SEC. 4. PRIMARY ROAD FUND. There is appropriated from the  
13 primary road fund created in section 313.3 to the department of  
14 transportation for the fiscal year beginning July 1, 2014, and  
15 ending June 30, 2015, the following amounts, or so much thereof  
16 as is necessary, to be used for the purposes designated:

17 1. For salaries, support, maintenance, miscellaneous  
18 purposes, and for not more than the following full-time  
19 equivalent positions:

20 a. Operations:

21 .....	\$	19,612,953
22 .....		<u>39,225,906</u>
23 .....	FTEs	266.00

24 b. Planning:

25 .....	\$	3,932,727
26 .....		<u>7,865,454</u>
27 .....	FTEs	102.00

28 c. Highways:

29 .....	\$	116,015,648
30 .....		<u>235,717,855</u>
31 .....	FTEs	2,057.00

32 d. Motor vehicles:

33 .....	\$	706,770
34 .....		<u>1,460,575</u>
35 .....	FTEs	410.00

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dea/tm

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1	e. Performance and technology:	
2	.....	\$ 1,412,980
3		<u>2,825,960</u>
4	..... FTEs	35.00
5	2. For payments to the department of administrative	
6	services for utility services:	
7	.....	\$ 660,500
8		<u>1,444,627</u>
9	3. Unemployment compensation:	
10	.....	\$ 69,000
11		<u>138,000</u>
12	4. For payments to the department of administrative	
13	services for paying workers' compensation claims under	
14	chapter 85 on behalf of the employees of the department of	
15	transportation:	
16	.....	\$ 1,371,500
17		<u>2,743,000</u>
18	5. For disposal of hazardous wastes from field locations and	
19	the central complex:	
20	.....	\$ 400,000
21		<u>800,000</u>
22	6. For payment to the general fund of the state for indirect	
23	cost recoveries:	
24	.....	\$ 286,000
25		<u>572,000</u>
26	7. For reimbursement to the auditor of state for audit	
27	expenses as provided in section 11.5B:	
28	.....	\$ 207,591
29		<u>415,181</u>
30	8. For costs associated with producing transportation maps:	
31	.....	\$ 80,000
32		<u>242,000</u>
33	9. For inventory and equipment replacement:	
34	.....	\$ 2,683,000
35		<u>5,366,000</u>

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1     10. For utility improvements at various locations:  
2 ..... \$     200,000  
3 ..... 400,000  
4     11. For roofing projects at various locations:  
5 ..... \$     250,000  
6 ..... 500,000  
7     12. For heating, cooling, and exhaust system improvements  
8 at various locations:  
9 ..... \$     250,000  
10 ..... 700,000  
11     13. For deferred maintenance projects at field facilities  
12 throughout the state:  
13 ..... \$     750,000  
14 ..... 1,700,000  
15     14. For wastewater treatment improvements at various  
16 locations:  
17 ..... \$     500,000  
18 ..... 1,000,000  
19     15. For replacement of the Des Moines north garage:  
20 ..... \$    3,176,500  
21 ..... 6,353,000  
22     16. For the remodel and purchase of equipment to relocate  
23 the traffic operations center to the Ankeny motor vehicle  
24 facility:  
25 ..... \$     730,000  
26     For purposes of section 8.33, unless specifically provided  
27 otherwise, moneys appropriated in subsections 10 through 15  
28 16 that remain unencumbered or unobligated shall not revert  
29 but shall remain available for expenditure for the purposes  
30 designated until the close of the fiscal year that ends  
31 three years after the end of the fiscal year for which the  
32 appropriation was made. However, if the project or projects  
33 for which such appropriation was made are completed in an  
34 earlier fiscal year, unencumbered or unobligated moneys shall  
35 revert at the close of that same fiscal year.

LSB 5009SV (1) 85  
dea/tm

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S.F. 2130

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

4 This bill makes and limits appropriations for FY 2014-2015  
5 from the road use tax fund and the primary road fund to the  
6 department of transportation.

7 Appropriations from the road use tax fund include  
8 appropriations for driver's license production costs,  
9 operations, planning, motor vehicles, performance and  
10 technology, utility services provided by the department  
11 of administrative services, unemployment and workers'  
12 compensation, indirect cost recoveries, audits, county issuance  
13 of driver's licenses and vehicle registration and titling, a  
14 system providing toll-free telephone road and weather reports,  
15 participation in the Mississippi river parkway commission, and  
16 motor vehicle division field facility maintenance projects.

17 Appropriations from the primary road fund include  
18 appropriations for operations, planning, highways, motor  
19 vehicles, performance and technology, utility services provided  
20 by the department of administrative services, unemployment  
21 and workers' compensation, hazardous waste disposal, indirect  
22 cost recoveries, audits, production of transportation maps,  
23 inventory and equipment replacement, utility projects,  
24 roofing projects, heating and cooling improvements, deferred  
25 maintenance at field facilities, wastewater treatment  
26 improvements, replacement of the Des Moines north garage, and  
27 relocation of the traffic operations center to the Ankeny motor  
28 vehicle facility.





**Iowa General Assembly  
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**Senate Resolution 105 - Introduced**

SENATE RESOLUTION NO. 105

BY McCOY

1 A Resolution requesting the legislative council  
2 to establish a legislative interim committee on  
3 indigent defense for the 2014 legislative interim.  
4 WHEREAS, there has not been a recent comprehensive  
5 legislative review of the indigent defense system in  
6 this state; and  
7 WHEREAS, a review of the entire indigent defense  
8 system should be conducted in order to maintain and  
9 enhance the goals of achieving high-quality legal  
10 representation in the most cost-effective and efficient  
11 manner; and  
12 WHEREAS, the review of the indigent defense  
13 system should include but is not limited to a review  
14 of attorney qualifications and caseload, indigent  
15 eligibility, funding, training, the organizational  
16 structure of the state public defender, and the  
17 disbursement of resources throughout the state; NOW  
18 THEREFORE,  
19 BE IT RESOLVED BY THE SENATE, That the legislative  
20 council is requested to establish a legislative interim  
21 study committee on indigent defense for the 2014  
22 legislative interim to review the indigent defense  
23 system in this state and to make recommendations and to  
24 file a final report with the general assembly.

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**Senate Study Bill 3154 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BUDGET  
BILL)

**A BILL FOR**

1 An Act relating to and making appropriations to certain state  
2 departments, agencies, funds, and certain other entities,  
3 providing for regulatory authority, and other properly  
4 related matters.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5011XG (7) 85  
ec/tm



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. 2013 Iowa Acts, chapter 135, section 30, is  
2 amended to read as follows:

3 SEC. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

4 1. There is appropriated from the general fund of the state  
5 to the department of administrative services for the fiscal  
6 year beginning July 1, 2014, and ending June 30, 2015, the  
7 following amounts, or so much thereof as is necessary, to be  
8 used for the purposes designated, ~~and for not more than the~~  
9 ~~following full-time equivalent positions:~~

10 a. For salaries, support, maintenance, and miscellaneous  
11 purposes:

12 .....	\$	2,033,962
13 .....		<u>4,067,924</u>
14 .....	FTEs	<u>73.49</u>

15 b. For the payment of utility costs:

16 .....	\$	1,329,455
17 .....		<u>2,658,909</u>
18 .....	FTEs	<u>1.00</u>

19 Notwithstanding section 8.33, any excess moneys appropriated  
20 for utility costs in this lettered paragraph shall not revert  
21 to the general fund of the state at the end of the fiscal year  
22 but shall remain available for expenditure for the purposes of  
23 this lettered paragraph during the succeeding fiscal year.

24 c. For Terrace Hill operations:

25 .....	\$	202,957
26 .....		<u>405,914</u>
27 .....	FTEs	<u>5.00</u>

28 2. Members of the general assembly serving as members of  
29 the deferred compensation advisory board shall be entitled  
30 to receive per diem and necessary travel and actual expenses  
31 pursuant to section 2.10, subsection 5, while carrying out  
32 their official duties as members of the board.

33 3. Any moneys and premiums collected by the department  
34 for workers' compensation shall be segregated into a separate  
35 workers' compensation fund in the state treasury to be used

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 for payment of state employees' workers' compensation claims  
2 and administrative costs. Notwithstanding section 8.33,  
3 unencumbered or unobligated moneys remaining in this workers'  
4 compensation fund at the end of the fiscal year shall not  
5 revert but shall be available for expenditure for purposes of  
6 the fund for subsequent fiscal years.

7 Sec. 2. 2013 Iowa Acts, chapter 135, section 31, is amended  
8 to read as follows:

9 SEC. 31. REVOLVING FUNDS — DEPARTMENT OF ADMINISTRATIVE  
10 SERVICES. There is appropriated to the department of  
11 administrative services for the fiscal year beginning July  
12 1, 2014, and ending June 30, 2015, from the revolving funds  
13 designated in chapter 8A and from internal service funds  
14 created by the department such amounts as the department deems  
15 necessary for the operation of the department consistent with  
16 the requirements of chapter 8A.

17 Sec. 3. 2013 Iowa Acts, chapter 135, section 34, is amended  
18 to read as follows:

19 SEC. 34. AUDITOR OF STATE.

20 1. There is appropriated from the general fund of the state  
21 to the office of the auditor of state for the fiscal year  
22 beginning July 1, 2014, and ending June 30, 2015, the following  
23 amount, or so much thereof as is necessary, to be used for  
24 the purposes designated, ~~and for not more than the following~~  
25 ~~full-time equivalent positions~~:

26 For salaries, support, maintenance, and miscellaneous  
27 purposes:

28 .....	\$	457,253
29 .....		944,506
30 .....	FTEs	103.00

31 2. The auditor of state may retain additional full-time  
32 equivalent positions as is reasonable and necessary to  
33 perform governmental subdivision audits which are reimbursable  
34 pursuant to section 11.20 or 11.21, to perform audits which are  
35 requested by and reimbursable from the federal government, and

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 to perform work requested by and reimbursable from departments  
2 or agencies pursuant to section 11.5A or 11.5B. The auditor  
3 of state shall notify the department of management, the  
4 legislative fiscal committee, and the legislative services  
5 agency of the additional full-time equivalent positions  
6 retained.

7 3. The auditor of state shall allocate moneys from the  
8 appropriation in this section solely for audit work related to  
9 the comprehensive annual financial report, federally required  
10 audits, and investigations of embezzlement, theft, or other  
11 significant financial irregularities until the audit of the  
12 comprehensive annual financial report is complete.

13 Sec. 4. 2013 Iowa Acts, chapter 135, section 35, is amended  
14 to read as follows:

15 SEC. 35. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There  
16 is appropriated from the general fund of the state to the  
17 Iowa ethics and campaign disclosure board for the fiscal year  
18 beginning July 1, 2014, and ending June 30, 2015, the following  
19 amount, or so much thereof as is necessary, for the purposes  
20 designated:

21 For salaries, support, maintenance, and miscellaneous  
22 purposes, ~~and for not more than the following full-time~~  
23 ~~equivalent positions:~~

24 .....	\$	245,168
25 .....		550,335
26 .....	FTEs	5.00

27 Sec. 5. 2013 Iowa Acts, chapter 135, is amended by adding  
28 the following new sections:

29 NEW SECTION. SEC. 35A. OFFICE OF THE CHIEF INFORMATION  
30 OFFICER. There is appropriated from the general fund of the  
31 state to the office of the chief information officer for the  
32 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
33 the following amounts, or so much thereof as is necessary, to  
34 be used for the purposes designated:

35 1. For establishing critical, early-stage operational and

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 strategic capabilities within the office and to comply with the  
2 requirements of chapter 8B:

3 ..... \$ 1,500,000

4 2. For collecting data and developing metrics and standards  
5 to measure and evaluate broadband infrastructure installation  
6 and development in unserved and underserved areas:

7 ..... \$ 250,000

8 NEW SECTION. SEC. 35B. INTERNAL SERVICE FUNDS — OFFICE  
9 OF THE CHIEF INFORMATION OFFICER. There is appropriated to  
10 the office of the chief information officer for the fiscal  
11 year beginning July 1, 2014, and ending June 30, 2015, from  
12 the revolving funds designated in chapter 8B and from internal  
13 service funds created by the office such amounts as the office  
14 deems necessary for the operation of the office consistent with  
15 the requirements of chapter 8B.

16 Sec. 6. 2013 Iowa Acts, chapter 135, section 36, is amended  
17 to read as follows:

18 SEC. 36. DEPARTMENT OF COMMERCE.

19 1. There is appropriated from the general fund of the  
20 state to the department of commerce for the fiscal year  
21 beginning July 1, 2014, and ending June 30, 2015, the following  
22 amounts, or so much thereof as is necessary, for the purposes  
23 designated:

24 a. ALCOHOLIC BEVERAGES DIVISION

25 For salaries, support, maintenance, and miscellaneous  
26 purposes, ~~and for not more than the following full-time~~  
27 ~~equivalent positions:~~

28 ..... \$ 610,196

29 ..... 1,220,391

30 ..... FTEs 18.50

31 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

32 For salaries, support, maintenance, and miscellaneous  
33 purposes, ~~and for not more than the following full-time~~  
34 ~~equivalent positions:~~

35 ..... \$ 300,769

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1 601,537  
2 ..... FTEs 12.50  
3 2. There is appropriated from the department of commerce  
4 revolving fund created in section 546.12 to the department of  
5 commerce for the fiscal year beginning July 1, 2014, and ending  
6 June 30, 2015, the following amounts, or so much thereof as is  
7 necessary, for the purposes designated:  
8 a. BANKING DIVISION  
9 For salaries, support, maintenance, and miscellaneous  
10 purposes, ~~and for not more than the following full-time~~  
11 ~~equivalent positions:~~  
12 ..... \$ 4,583,618  
13 9,317,235  
14 ..... FTEs 74.50  
15 b. CREDIT UNION DIVISION  
16 For salaries, support, maintenance, and miscellaneous  
17 purposes, ~~and for not more than the following full-time~~  
18 ~~equivalent positions:~~  
19 ..... \$ 897,128  
20 1,794,256  
21 ..... FTEs 15.00  
22 c. INSURANCE DIVISION  
23 (1) For salaries, support, maintenance, and miscellaneous  
24 purposes, ~~and for not more than the following full-time~~  
25 ~~equivalent positions:~~  
26 ..... \$ 2,516,495  
27 5,099,989  
28 ..... FTEs 100.15  
29 (2) The insurance division may reallocate ~~authorized~~  
30 full-time equivalent positions as necessary to respond to  
31 accreditation recommendations or requirements.  
32 (3) The insurance division expenditures for examination  
33 purposes may exceed the projected receipts, refunds, and  
34 reimbursements, estimated pursuant to section 505.7, subsection  
35 7, including the expenditures for retention of additional



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1 personnel, if the expenditures are fully reimbursable and the  
2 division first does both of the following:

3 (a) Notifies the department of management, the legislative  
4 services agency, and the legislative fiscal committee of the  
5 need for the expenditures.

6 (b) Files with each of the entities named in subparagraph  
7 division (a) the legislative and regulatory justification for  
8 the expenditures, along with an estimate of the expenditures.

9 d. UTILITIES DIVISION

10 (1) For salaries, support, maintenance, and miscellaneous  
11 purposes, ~~and for not more than the following full-time~~  
12 ~~equivalent positions:~~

13 .....	\$	4,089,703
14 .....		<u>8,179,405</u>
15 .....	FTEs	<u>79.00</u>

16 (2) The utilities division may expend additional moneys,  
17 including moneys for additional personnel, if those additional  
18 expenditures are actual expenses which exceed the moneys  
19 budgeted for utility regulation and the expenditures are fully  
20 reimbursable. Before the division expends or encumbers an  
21 amount in excess of the moneys budgeted for regulation, the  
22 division shall first do both of the following:

23 (a) Notify the department of management, the legislative  
24 services agency, and the legislative fiscal committee of the  
25 need for the expenditures.

26 (b) File with each of the entities named in subparagraph  
27 division (a) the legislative and regulatory justification for  
28 the expenditures, along with an estimate of the expenditures.

29 3. CHARGES. Each division and the office of consumer  
30 advocate shall include in its charges assessed or revenues  
31 generated an amount sufficient to cover the amount stated  
32 in its appropriation and any state-assessed indirect costs  
33 determined by the department of administrative services.

34 Sec. 7. 2013 Iowa Acts, chapter 135, section 37, is amended  
35 to read as follows:





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1 SEC. 37. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING  
2 AND REGULATION BUREAU. There is appropriated from the housing  
3 trust fund created pursuant to section 16.181, to the bureau of  
4 professional licensing and regulation of the banking division  
5 of the department of commerce for the fiscal year beginning  
6 July 1, 2014, and ending June 30, 2015, the following amount,  
7 or so much thereof as is necessary, to be used for the purposes  
8 designated:

9 For salaries, support, maintenance, and miscellaneous  
10 purposes:  
11 ..... \$ 31,159  
12 ..... 62,317

13 Sec. 8. 2013 Iowa Acts, chapter 135, section 39, is amended  
14 to read as follows:

15 SEC. 39. GOVERNOR AND LIEUTENANT GOVERNOR. There is  
16 appropriated from the general fund of the state to the offices  
17 of the governor and the lieutenant governor for the fiscal year  
18 beginning July 1, 2014, and ending June 30, 2015, the following  
19 amounts, or so much thereof as is necessary, to be used for the  
20 purposes designated:

21 1. GENERAL OFFICE

22 For salaries, support, maintenance, and miscellaneous  
23 purposes, ~~and for not more than the following full-time~~  
24 ~~equivalent positions:~~  
25 ..... \$ 1,098,228  
26 ..... 2,196,455  
27 ..... FTEs 20.00

28 2. TERRACE HILL QUARTERS

29 For salaries, support, maintenance, and miscellaneous  
30 purposes for the governor's quarters at Terrace Hill, ~~and for~~  
31 ~~not more than the following full-time equivalent positions:~~  
32 ..... \$ 46,556  
33 ..... 93,111  
34 ..... FTEs 2.00

35 Sec. 9. 2013 Iowa Acts, chapter 135, section 40, is amended

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1 to read as follows:

2 SEC. 40. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There  
3 is appropriated from the general fund of the state to the  
4 governor's office of drug control policy for the fiscal year  
5 beginning July 1, 2014, and ending June 30, 2015, the following  
6 amount, or so much thereof as is necessary, to be used for the  
7 purposes designated:

8 For salaries, support, maintenance, and miscellaneous  
9 purposes, including statewide coordination of the drug abuse  
10 resistance education (D.A.R.E.) programs or similar programs,  
11 ~~and for not more than the following full-time equivalent~~  
12 ~~positions:~~

13 .....	\$	<del>120,567</del>
14 .....		<u>241,134</u>
15 .....	FTEs	<del>4.00</del>

16 Sec. 10. 2013 Iowa Acts, chapter 135, section 41, is amended  
17 to read as follows:

18 SEC. 41. DEPARTMENT OF HUMAN RIGHTS. There is appropriated  
19 from the general fund of the state to the department of human  
20 rights for the fiscal year beginning July 1, 2014, and ending  
21 June 30, 2015, the following amounts, or so much thereof as is  
22 necessary, to be used for the purposes designated:

23 1. CENTRAL ADMINISTRATION DIVISION

24 For salaries, support, maintenance, and miscellaneous  
25 purposes, ~~and for not more than the following full-time~~  
26 ~~equivalent positions:~~

27 .....	\$	<del>112,092</del>
28 .....		<u>240,184</u>
29 .....	FTEs	<del>5.65</del>

30 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

31 For salaries, support, maintenance, and miscellaneous  
32 purposes, ~~and for not more than the following full-time~~  
33 ~~equivalent positions:~~

34 .....	\$	<del>514,039</del>
35 .....		<u>1,086,077</u>

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1 ..... FTEs 9.62  
2     Sec. 11. 2013 Iowa Acts, chapter 135, section 42, is amended  
3 to read as follows:  
4     SEC. 42. DEPARTMENT OF INSPECTIONS AND APPEALS. There  
5 is appropriated from the general fund of the state to the  
6 department of inspections and appeals for the fiscal year  
7 beginning July 1, 2014, and ending June 30, 2015, the following  
8 amounts, or so much thereof as is necessary, for the purposes  
9 designated:  
10    1. ADMINISTRATION DIVISION  
11     For salaries, support, maintenance, and miscellaneous  
12 purposes, ~~and for not more than the following full-time~~  
13 ~~equivalent positions:~~  
14 ..... \$ 272,621  
15 ..... 545,242  
16 ..... FTEs 13.65  
17    2. ADMINISTRATIVE HEARINGS DIVISION  
18     For salaries, support, maintenance, and miscellaneous  
19 purposes, ~~and for not more than the following full-time~~  
20 ~~equivalent positions:~~  
21 ..... \$ 339,471  
22 ..... 678,942  
23 ..... FTEs 23.00  
24    3. INVESTIGATIONS DIVISION  
25     a. For salaries, support, maintenance, and miscellaneous  
26 purposes, ~~and for not more than the following full-time~~  
27 ~~equivalent positions:~~  
28 ..... \$ 1,286,545  
29 ..... 2,573,089  
30 ..... FTEs 61.50  
31     b. The department, in coordination with the investigations  
32 division, shall submit a report to the general assembly by  
33 December 1, 2014, concerning the division's activities relative  
34 to fraud in public assistance programs for the fiscal year  
35 beginning July 1, 2013, and ending June 30, 2014. The report



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1 shall include but is not limited to a summary of the number  
2 of cases investigated, case outcomes, overpayment dollars  
3 identified, amount of cost avoidance, and actual dollars  
4 recovered.

5 4. HEALTH FACILITIES DIVISION

6 a. For salaries, support, maintenance, and miscellaneous  
7 purposes, ~~and for not more than the following full-time~~  
8 ~~equivalent positions:~~

9 .....	\$	2,546,017
10 .....		<u>5,092,033</u>
11 .....	FTEs	<u>113.00</u>

12 b. The department shall, in coordination with the health  
13 facilities division, make the following information available  
14 to the public as part of the department's development efforts  
15 to revise the department's internet website:

16 (1) The number of inspections conducted by the division  
17 annually by type of service provider and type of inspection.

18 (2) The total annual operations budget for the division,  
19 including general fund appropriations and federal contract  
20 dollars received by type of service provider inspected.

21 (3) The total number of full-time equivalent positions in  
22 the division, to include the number of full-time equivalent  
23 positions serving in a supervisory capacity, and serving as  
24 surveyors, inspectors, or monitors in the field by type of  
25 service provider inspected.

26 (4) Identification of state and federal survey trends,  
27 cited regulations, the scope and severity of deficiencies  
28 identified, and federal and state fines assessed and collected  
29 concerning nursing and assisted living facilities and programs.

30 c. It is the intent of the general assembly that the  
31 department and division continuously solicit input from  
32 facilities regulated by the division to assess and improve  
33 the division's level of collaboration and to identify new  
34 opportunities for cooperation.

35 5. EMPLOYMENT APPEAL BOARD

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1     a. For salaries, support, maintenance, and miscellaneous  
2 purposes, ~~and for not more than the following full-time~~  
3 ~~equivalent positions:~~  
4 ..... \$       21,108  
5 ..... 42,215  
6 ..... FTEs 11.00  
7     b. The employment appeal board shall be reimbursed by  
8 the labor services division of the department of workforce  
9 development for all costs associated with hearings conducted  
10 under chapter 91C, related to contractor registration. The  
11 board may expend, in addition to the amount appropriated under  
12 this subsection, additional amounts as are directly billable  
13 to the labor services division under this subsection and to  
14 retain the additional full-time equivalent positions as needed  
15 to conduct hearings required pursuant to chapter 91C.  
16     6. CHILD ADVOCACY BOARD  
17     a. For foster care review and the court appointed special  
18 advocate program, including salaries, support, maintenance, and  
19 miscellaneous purposes, ~~and for not more than the following~~  
20 ~~full-time equivalent positions:~~  
21 ..... \$   1,340,145  
22 ..... 2,680,290  
23 ..... FTEs 32.25  
24     b. The department of human services, in coordination with  
25 the child advocacy board and the department of inspections and  
26 appeals, shall submit an application for funding available  
27 pursuant to Tit. IV-E of the federal Social Security Act for  
28 claims for child advocacy board administrative review costs.  
29     c. The court appointed special advocate program shall  
30 investigate and develop opportunities for expanding  
31 fund-raising for the program.  
32     d. Administrative costs charged by the department of  
33 inspections and appeals for items funded under this subsection  
34 shall not exceed 4 percent of the amount appropriated in this  
35 subsection.

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1     7.   FOOD AND CONSUMER SAFETY

2     For salaries, support, maintenance, and miscellaneous  
3 purposes, ~~and for not more than the following full-time~~  
4 ~~equivalent positions:~~

5 ..... \$     639,666  
6 ..... 1,279,331  
7 ..... FTEs     23.25

8     Sec. 12. 2013 Iowa Acts, chapter 135, section 44, is amended  
9 to read as follows:

10    SEC. 44. RACING AND GAMING COMMISSION.

11    1. RACETRACK REGULATION

12    There is appropriated from the gaming regulatory revolving  
13 fund established in section 99F.20 to the racing and gaming  
14 commission of the department of inspections and appeals for the  
15 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
16 the following amount, or so much thereof as is necessary, to be  
17 used for the purposes designated:

18    For salaries, support, maintenance, and miscellaneous  
19 purposes for the regulation of pari-mutuel racetracks, ~~and for~~  
20 ~~not more than the following full-time equivalent positions:~~  
21 ..... \$   1,534,246  
22 ..... 3,068,492  
23 ..... FTEs     32.03

24    2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

25    There is appropriated from the gaming regulatory revolving  
26 fund established in section 99F.20 to the racing and gaming  
27 commission of the department of inspections and appeals for the  
28 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
29 the following amount, or so much thereof as is necessary, to be  
30 used for the purposes designated:

31    a. For salaries, support, maintenance, and miscellaneous  
32 purposes for administration and enforcement of the excursion  
33 boat gambling and gambling structure laws, ~~and for not more~~  
34 ~~than the following full-time equivalent positions:~~  
35 ..... \$   1,522,860

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1 3,045,719  
2 ..... FTEs 40.72  
3 b. For each additional license to conduct gambling games on  
4 an excursion gambling boat, gambling structure, or racetrack  
5 enclosure issued during the period beginning January 1, 2014,  
6 through June 30, 2015, there is appropriated from the gaming  
7 enforcement fund to the racing and gaming commission of the  
8 department of inspections and appeals for the fiscal year  
9 beginning July 1, 2014, and ending June 30, 2015, an additional  
10 amount of not more than \$191,000 to be used for not more than  
11 2.00 full-time equivalent positions.

12 Sec. 13. 2013 Iowa Acts, chapter 135, section 45, is amended  
13 to read as follows:

14 SEC. 45. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF  
15 INSPECTIONS AND APPEALS. There is appropriated from the road  
16 use tax fund created in section 312.1 to the administrative  
17 hearings division of the department of inspections and appeals  
18 for the fiscal year beginning July 1, 2014, and ending June 30,  
19 2015, the following amount, or so much thereof as is necessary,  
20 for the purposes designated:

21 For salaries, support, maintenance, and miscellaneous  
22 purposes:

23 ..... \$ 811,949  
24 1,623,897

25 Sec. 14. 2013 Iowa Acts, chapter 135, section 46, is amended  
26 to read as follows:

27 SEC. 46. DEPARTMENT OF MANAGEMENT.

28 1. There is appropriated from the general fund of the state  
29 to the department of management for the fiscal year beginning  
30 July 1, 2014, and ending June 30, 2015, the following amounts,  
31 or so much thereof as is necessary, to be used for the purposes  
32 designated:

33 For salaries, support, maintenance, and miscellaneous  
34 purposes, ~~and for not more than the following full-time~~  
35 ~~equivalent positions:~~

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1 ..... \$ ~~1,275,110~~  
2 2,550,220  
3 ..... FTEs 21.00

4 2. Of the moneys appropriated in this section, the  
5 department shall use a portion for enterprise resource  
6 planning, providing for a salary model administrator,  
7 conducting performance audits, and for the department's LEAN  
8 process.

9 Sec. 15. 2013 Iowa Acts, chapter 135, section 47, is amended  
10 to read as follows:

11 SEC. 47. ROAD USE TAX APPROPRIATION — DEPARTMENT OF  
12 MANAGEMENT. There is appropriated from the road use tax fund  
13 created in section 312.1 to the department of management for  
14 the fiscal year beginning July 1, 2014, and ending June 30,  
15 2015, the following amount, or so much thereof as is necessary,  
16 to be used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous  
18 purposes:

19 ..... \$ ~~28,000~~  
20 56,000

21 Sec. 16. 2013 Iowa Acts, chapter 135, section 48, is amended  
22 to read as follows:

23 SEC. 48. IOWA PUBLIC INFORMATION BOARD. There is  
24 appropriated from the general fund of the state to the Iowa  
25 public information board for the fiscal year beginning July  
26 1, 2014, and ending June 30, 2015, the following amounts, or  
27 so much thereof as is necessary, to be used for the purposes  
28 designated:

29 For salaries, support, maintenance, and miscellaneous  
30 purposes ~~and for not more than the following full-time~~  
31 ~~equivalent positions:~~

32 ..... \$ ~~137,500~~  
33 350,000  
34 ..... FTEs 3.00

35 Sec. 17. 2013 Iowa Acts, chapter 135, section 49, is amended

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1 to read as follows:

2 SEC. 49. DEPARTMENT OF REVENUE.

3 1. There is appropriated from the general fund of the state  
4 to the department of revenue for the fiscal year beginning July  
5 1, 2014, and ending June 30, 2015, the following amounts, or  
6 so much thereof as is necessary, to be used for the purposes  
7 designated:

8 For salaries, support, maintenance, and miscellaneous  
9 purposes, ~~and for not more than the following full-time~~  
10 ~~equivalent positions:~~

11 .....	\$	8,940,420
12 .....		<u>17,880,839</u>
13 .....	FTEs	<u>245.24</u>

14 2. Of the funds appropriated pursuant to this section,  
15 \$400,000 shall be used to pay the direct costs of compliance  
16 related to the collection and distribution of local sales and  
17 services taxes imposed pursuant to chapters 423B and 423E.

18 3. The director of revenue shall prepare and issue a state  
19 appraisal manual and the revisions to the state appraisal  
20 manual as provided in section 421.17, subsection 17, without  
21 cost to a city or county.

22 Sec. 18. 2013 Iowa Acts, chapter 135, section 50, is amended  
23 to read as follows:

24 SEC. 50. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is  
25 appropriated from the motor fuel tax fund created by section  
26 452A.77 to the department of revenue for the fiscal year  
27 beginning July 1, 2014, and ending June 30, 2015, the following  
28 amount, or so much thereof as is necessary, to be used for the  
29 purposes designated:

30 For salaries, support, maintenance, miscellaneous purposes,  
31 and for administration and enforcement of the provisions of  
32 chapter 452A and the motor vehicle use tax program:

33 .....	\$	<del>652,888</del>
34 .....		<u>1,305,775</u>

35 Sec. 19. 2013 Iowa Acts, chapter 135, section 51, is amended

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1 to read as follows:

2 SEC. 51. SECRETARY OF STATE.

3 1. There is appropriated from the general fund of the state  
4 to the office of the secretary of state for the fiscal year  
5 beginning July 1, 2014, and ending June 30, 2015, the following  
6 amounts, or so much thereof as is necessary, to be used for the  
7 purposes designated:

8 For salaries, support, maintenance, and miscellaneous  
9 purposes, ~~and for not more than the following full-time~~

10 ~~equivalent positions:~~

11 ..... \$ ~~1,448,350~~

12 ..... 2,896,699

13 ..... FTEs ~~29.00~~

14 2. The state department or state agency which provides  
15 data processing services to support voter registration file  
16 maintenance and storage shall provide those services without  
17 charge.

18 Sec. 20. 2013 Iowa Acts, chapter 135, section 53, is amended  
19 to read as follows:

20 SEC. 53. TREASURER OF STATE.

21 1. There is appropriated from the general fund of the  
22 state to the office of treasurer of state for the fiscal year  
23 beginning July 1, 2014, and ending June 30, 2015, the following  
24 amount, or so much thereof as is necessary, to be used for the  
25 purposes designated:

26 For salaries, support, maintenance, and miscellaneous  
27 purposes, ~~and for not more than the following full-time~~

28 ~~equivalent positions:~~

29 ..... \$ ~~542,196~~

30 ..... 1,084,392

31 ..... FTEs ~~28.80~~

32 2. The office of treasurer of state shall supply clerical  
33 and secretarial support for the executive council.

34 Sec. 21. 2013 Iowa Acts, chapter 135, section 54, is amended  
35 to read as follows:

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1 SEC. 54. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER  
2 OF STATE. There is appropriated from the road use tax fund  
3 created in section 312.1 to the office of treasurer of state  
4 for the fiscal year beginning July 1, 2014, and ending June 30,  
5 2015, the following amount, or so much thereof as is necessary,  
6 to be used for the purposes designated:

7 For enterprise resource management costs related to the  
8 distribution of road use tax funds:

9 ..... \$ 46,574  
10 ..... 93,148

11 Sec. 22. 2013 Iowa Acts, chapter 135, section 55, is amended  
12 to read as follows:

13 SEC. 55. IPERS — GENERAL OFFICE. There is appropriated  
14 from the Iowa public employees' retirement system fund to the  
15 Iowa public employees' retirement system for the fiscal year  
16 beginning July 1, 2014, and ending June 30, 2015, the following  
17 amount, or so much thereof as is necessary, to be used for the  
18 purposes designated:

19 For salaries, support, maintenance, and other operational  
20 purposes to pay the costs of the Iowa public employees'  
21 retirement system, and for not more than the following  
22 full-time equivalent positions:  
23 ..... \$ 8,843,484  
24 ..... 15,686,968  
25 ..... FTEs 90.13

26 Sec. 23. 2013 Iowa Acts, chapter 135, is amended by adding  
27 the following new section:

28 NEW SECTION. SEC. 58. BUDGET PROCESS FOR FISCAL YEAR  
29 2015-2016.

30 1. For the budget process applicable to the fiscal year  
31 beginning July 1, 2015, on or before October 1, 2014, in lieu  
32 of the information specified in section 8.23, subsection 1,  
33 unnumbered paragraph 1, and paragraph "a", all departments and  
34 establishments of the government shall transmit to the director  
35 of the department of management, on blanks to be furnished by

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1 the director, estimates of their expenditure requirements,  
2 including every proposed expenditure, for the ensuing fiscal  
3 year, together with supporting data and explanations as called  
4 for by the director of the department of management after  
5 consultation with the legislative services agency.

6 2. The estimates of expenditure requirements shall be  
7 in a form specified by the director of the department of  
8 management, and the expenditure requirements shall include all  
9 proposed expenditures and shall be prioritized by program or  
10 the results to be achieved. The estimates shall be accompanied  
11 by performance measures for evaluating the effectiveness of the  
12 programs or results.

13 Sec. 24. REPEAL. 2013 Iowa Acts, chapter 135, sections 38,  
14 56, and 57, are repealed.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill relates to moneys appropriated to various state  
19 departments, agencies, and funds for the fiscal year beginning  
20 July 1, 2014, and ending June 30, 2015. The bill relates to  
21 and makes appropriations to state departments and agencies  
22 including the department of administrative services, Iowa  
23 telecommunications and technology commission, auditor of state,  
24 Iowa ethics and campaign disclosure board, department of  
25 commerce, offices of governor and lieutenant governor, office  
26 of the chief information officer, the governor's office of  
27 drug control policy, department of human rights, department of  
28 inspections and appeals, department of management, Iowa public  
29 information board, department of revenue, secretary of state,  
30 treasurer of state, and Iowa public employees' retirement  
31 system.

32 The bill also establishes the budget process applicable for  
33 the fiscal year beginning July 1, 2015, by providing that all  
34 departments submit their estimates of expenditure requirements  
35 to the department of management by October 1, 2014.

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1     The bill also repeals appropriations to the Iowa  
2 telecommunications and technology commission for regional  
3 telecommunication councils as well as to the various  
4 departments and agencies of state government for the payment of  
5 services provided by the department of administrative services  
6 related to the integrated information for Iowa system.



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**Senate Study Bill 3155 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

**A BILL FOR**

1 An Act relating to the state preschool program for  
2 four-year-old children by establishing a preschool expansion  
3 incentive and authorizing state aid for the incentive.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5796XC (10) 85  
jp/sc



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1 Section 1. Section 256C.3, subsection 4, unnumbered  
2 paragraph 1, Code 2014, is amended to read as follows:  
3 Effective with the budget year beginning July 1, 2015, each  
4 school district shall implement an approved local program  
5 to provide preschool in accordance with this chapter. The  
6 state board shall adopt rules to further define the following  
7 requirements of school districts implementing the preschool  
8 program:

9 Sec. 2. Section 256C.3, subsection 4, Code 2014, is amended  
10 by adding the following new paragraph:

11 NEW PARAGRAPH. e. Development and implementation of a plan  
12 for the school district's preschool program to have sufficient  
13 capacity to operate without a waiting list for school budget  
14 years beginning on or after July 1, 2017.

15 Sec. 3. Section 256C.4, subsection 2, paragraph b, Code  
16 2014, is amended to read as follows:

17 b. The enrollment count of eligible students shall not  
18 include a child who is included in the enrollment count  
19 determined under section 257.6 or a child who is served by  
20 a an existing preschool program already receiving state or  
21 federal funds for the purpose of ~~the provision of~~ providing  
22 four-year-old preschool programming while the child is being  
23 served by the existing program. ~~Such preschool programming~~  
24 However, the enrollment count of eligible students may include  
25 a child being served by an existing preschool program if  
26 the preschool programming in the existing program has been  
27 enhanced as a result of preschool program expansion incentive  
28 state aid provided under section 256C.7. For the purposes  
29 of this chapter an "existing preschool program" includes but  
30 is not limited to shared visions and other child development  
31 assistance programs provided under chapter 256A and section  
32 279.51, special education programs provided under section  
33 256B.9, school ready children grant programs and other programs  
34 provided under chapter 256I, and federal head start programs  
35 and the services funded by Tit. I of the federal Elementary and

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1 Secondary Education Act of 1965.

2 Sec. 4. Section 256C.5, subsection 1, unnumbered paragraph  
3 1, Code 2014, is amended to read as follows:

4 For the purposes of this ~~section and section 256C.4~~ chapter,  
5 unless the context otherwise requires:

6 Sec. 5. NEW SECTION. 256C.7 **Preschool program expansion**  
7 **incentive.**

8 1. For the purposes of this section, unless the context  
9 otherwise requires:

10 *a. "Base incentive enrollment" means the average of the*  
11 *actual enrollments of eligible students in the preschool*  
12 *programming provided by a school district on October 1, 2011,*  
13 *October 1, 2012, and October 1, 2013.*

14 *b. "Incentive period" means the budget years beginning July*  
15 *1, 2015, July 1, 2016, and July 1, 2017.*

16 *c. "Incentive enrollment" means the amount by which the*  
17 *actual enrollment of eligible students in the preschool*  
18 *programming provided by a school district on October 1 of*  
19 *the base year exceeds the school district's base incentive*  
20 *enrollment.*

21 *d. "Incentive state aid" means the product of twenty percent*  
22 *of the regular program state cost per pupil for the budget year*  
23 *multiplied by the school district's incentive enrollment in the*  
24 *base year.*

25 2. *a.* A preschool program expansion incentive is  
26 established in accordance with this section. In order to be  
27 eligible for the incentive, a school district must develop and  
28 implement a preschool program expansion plan, approved by the  
29 department, to expand enrollment of eligible students in the  
30 school district's preschool programming. In addition, the  
31 school district shall work with existing preschool program  
32 providers to expand hours and otherwise enhance the preschool  
33 programming available to the children participating in the  
34 programs. The plan's goal shall be that by the end of the  
35 incentive period the district's preschool programming will

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1 be available without a waiting list to each child wanting to  
2 enroll in the programming.

3     b. The elements addressed in the preschool program expansion  
4 plan shall include but are not limited to the following:

5 (1) How the school district will work in collaboration with  
6 participating families, early care providers, and community  
7 partners, as described in section 256C.3, subsection 3,  
8 to provide the preschool programming in as convenient and  
9 cost-effective a manner as possible for the families of the  
10 four-year-old children who are eligible for the programming.

11 (2) A specification of the roles of the early care providers  
12 and community partners in support of the expansion plan.

13 (3) A delineation of the specific steps for expanding hours  
14 and otherwise enhancing the preschool programming available to  
15 the children participating in the existing preschool programs  
16 located in the school district.

17 (4) Identification of specific outcomes and progress  
18 measures for the expansion plan.

19 (5) Detailed plans for contacting and soliciting enrollment  
20 of eligible students, particularly from low-income families,  
21 non-English speaking families, and families from ethnic and  
22 racial groups underrepresented in the district's preschool  
23 program enrollment.

24 3. The department of education shall specify other  
25 requirements and required elements for preschool expansion  
26 plans and for approval of plans by the department, including  
27 but not limited to submission provisions, annual updates, and  
28 documentation of collaboration efforts with and input from  
29 participating families, early care providers, and community  
30 partners.

31 4. During the incentive period, in addition to the  
32 regular preschool foundation aid based on the preschool  
33 budget enrollment, the school district implementing a  
34 preschool expansion plan approved by the department shall  
35 receive incentive state aid based on the district's incentive



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1 enrollment. The incentive state aid shall be paid as part of  
2 the state aid payments made to school districts in accordance  
3 with section 257.16.

4 5. A school district shall utilize its incentive state aid  
5 to defray increases in costs in connection with the school  
6 district's preschool program expansion plan. Such costs shall  
7 include but are not limited to renovation and other facility  
8 costs connected with expansion, outreach, one-time expenses,  
9 and other costs identified as eligible by the department.

10 Sec. 6. Section 257.16, Code 2014, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 1A. For the fiscal years in which the  
13 preschool program expansion incentive applies in accordance  
14 with section 256C.7, the appropriation made in subsection 1  
15 shall include the amount necessary to pay incentive state aid  
16 in accordance with section 256C.7. This subsection is repealed  
17 on July 1, 2018.

18 Sec. 7. STATE MANDATE FUNDING SPECIFIED. In accordance  
19 with section 25B.2, subsection 3, the state cost of requiring  
20 compliance with any state mandate included in this Act shall  
21 be paid by a school district from state school foundation aid  
22 received by the school district under section 257.16. This  
23 specification of the payment of the state cost shall be deemed  
24 to meet all of the state funding-related requirements of  
25 section 25B.2, subsection 3, and no additional state funding  
26 shall be necessary for the full implementation of this Act  
27 by and enforcement of this Act against all affected school  
28 districts.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the statewide preschool program for  
33 four-year-old children by establishing a preschool program  
34 expansion incentive, including authorizing state aid for the  
35 incentive.

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1 Code section 256C.3, relating to preschool program  
2 requirements, is amended to require each school district to  
3 provide a preschool program approved by the department of  
4 education, effective with the school budget year beginning July  
5 1, 2015, and to implement a plan for the school district's  
6 preschool program to have sufficient capacity to operate  
7 without a waiting list for school budget years beginning on or  
8 after July 1, 2017.

9 To be eligible for the preschool expansion incentive,  
10 a school district must develop and implement a preschool  
11 expansion plan, approved by the department, in order to expand  
12 enrollment of eligible students in the school district's  
13 preschool programming. Requirements for the plan are  
14 provided in the bill, including how the school district will  
15 collaborate with participating families, early care providers,  
16 and community partners to expand the district's preschool  
17 enrollment. The department of education is to specify other  
18 requirements for the plan and for approval of plans by the  
19 department.

20 Current law in Code section 256C.4 prohibits inclusion  
21 in the preschool program of children already included in a  
22 school's enrollment count for purposes of the school aid  
23 foundation formula or children who are served by an existing  
24 preschool program already receiving state or federal funds for  
25 the purpose of providing four-year-old preschool programming  
26 while the child is being served by the existing program. The  
27 bill allows inclusion of children participating in an existing  
28 program if the preschool programming in the existing program  
29 has been enhanced as part of the expansion incentive.

30 The incentive program will operate for the three school  
31 budget years beginning July 1, 2015, July 1, 2016, and July  
32 1, 2017. For those three budget years, a school district is  
33 eligible to receive incentive state aid for the increase in  
34 the actual enrollment of eligible students in the preschool  
35 programming provided by a school district in the immediately

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1 preceding school year over the base incentive enrollment.  
2 The base incentive enrollment is the average of the actual  
3 enrollments of eligible students in the school district's  
4 preschool programming on October 1, 2011, October 1, 2012,  
5 and October 1, 2013. The amount of incentive state aid is  
6 equal to 20 percent of the regular program state cost per pupil  
7 multiplied by the enrollment increase.

8 The incentive state aid is required to be used to defray  
9 increases in costs in connection with the school district's  
10 preschool expansion plan. Such costs may include renovation  
11 and other facility costs connected with expansion, outreach,  
12 one-time expenses, and other costs identified as eligible by  
13 the department.

14 The bill may include a state mandate as defined in Code  
15 section 25B.3. The bill requires that the state cost of  
16 any state mandate included in the bill be paid by a school  
17 district from state school foundation aid received by the  
18 school district under section 257.16. The specification is  
19 deemed to constitute state compliance with any state mandate  
20 funding-related requirements of Code section 25B.2. The  
21 inclusion of this specification is intended to reinstate the  
22 requirement of political subdivisions to comply with any state  
23 mandates included in the bill.